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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 19 December 2007 from the Permanent Mission of Croatia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Croatia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter of 17 October 2007, has the honour to transmit herewith the additional information of the Republic of Croatia on the implementation of resolution 1540 (2004), as well as the updated matrix, to be posted as a close-hold document (see annex).

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Annex to the note verbale dated 19 December 2007 from the Permanent Mission of Croatia to the United Nations addressed to the Chairman of the Committee

Response of the Republic of Croatia to the request for additional information issued by the Security Council Committee established pursuant to resolution 1540 (2004)*

Non-proliferation of weapons of mass destruction, as well as of strategically sensitive and dual-use goods, technology, equipment and their means of delivery, is Croatia's top security policy priority. Croatia considers efforts and activities aimed at preventing the proliferation of weapons of mass destruction (WMD) crucial in the fight against contemporary security threats, and, in particular, the threat of terrorism and the risk of non-State actors, terrorist groups or individuals acquiring weapons of mass destruction.

Croatia's non-proliferation of WMD policy goal is pursued through strengthening national implementation and enforcement of respective policies and obligations, as well as through actively participating in non-proliferation activities at the regional, multilateral and international levels. Special attention is paid to effective implementation of international obligations under the existing international non-proliferation treaties and obligations within the non-proliferation regimes. Croatia attaches particular importance to strengthening intergovernmental cooperation in preventing and eliminating proliferation risks before they fully evolve, and in building national and international capacities for an appropriate response and minimization of possible effects of attacks.

Universalization

The Republic of Croatia is a State party to and an active participant in all the major international treaties and conventions relating to arms control, disarmament and non-proliferation of weapons of mass destruction.

These include: the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); the Convention on the Physical Protection of Nuclear Material (CPPNM) and Amendment (2006); the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC); the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC); the 1925 Geneva Protocol; the Comprehensive Nuclear-Test-Ban Treaty (CTBT); the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC); and the International Convention for the Suppression of Acts of Nuclear Terrorism.

Regarding the implementation of the non-proliferation aspect of the NPT, Croatia's commitment and active role is even more intensified during its 2007-2008 membership in the Board of Governors of the International Atomic Energy Agency (IAEA).

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* The matrix was transmitted to the Secretariat and may be consulted at the Security Council Subsidiary Organs Branch.

As a State party to the CWC, Croatia is an active member of the Organization for the Prohibition of Chemical Weapons (OPCW).

Since 2005, Croatia has been participating in non-proliferation and arms control regimes, the Wassenaar Arrangement (WA) and the Nuclear Suppliers Group (NSG), the Zangger Committee (ZC) since 2006 and the Australia Group (AG) since 2007. Croatia is also active in the Proliferation Security Initiative, and has expressed its support to the Global Initiative to Combat Nuclear Terrorism. Croatia has put forward its candidature for the participation in the Missile Technology Control Regime (MTCR).

Croatia shares the view that the efforts in preventing WMD proliferation must be global, but activities should also be intensively pursued at the regional, bilateral and national as well as the community levels. Therefore, apart from the aforementioned, Croatia supports the activities by the United Nations, by regional organizations such as the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization Partnership for Peace (NATO/PfP), the Stability Pact, the South-East European Cooperation Process (SEECP), and the South-Eastern Europe Defence Ministerial process (SEDM). Within the SEDM, Croatia chaired, during the 2005-2006 period, the Working Group for Counter-Terrorism, Border Security and Counter-Proliferation of Weapons of Mass Destruction (CBSC).

Croatia has carried out all obligations relating Security Council resolution 1540 (2004) and submitted three reports.

Implementing international instruments

According to the Constitution of the Republic of Croatia, obligations under the international treaties and conventions take precedence over national legislation in case of ambivalence or conflict.

Nuclear domain

The Republic of Croatia acts consistently in full accordance with its international obligations, by implementing non-proliferation standards, and, in particular, export control of nuclear materials, technology or equipment. By the Act of succession, from 29 June 1992 Croatia became a party to the Treaty on the Non-proliferation of Nuclear Weapons (INFCIRC/140) and the Convention on the Physical Protection of Nuclear Material (CPPNM) (INFCIRC/254) (Official Gazette — International Agreements Nos. 12/93 and 5/01), with their application since 8 October 1991. As a State party to the CPPNM, Croatia takes all necessary measures to effectively protect nuclear materials that are used, stored or transported for peaceful purposes, as envisaged by the IAEA document "The Physical Protection of Nuclear Material and Nuclear Facilities" (INFCIRC/225). Croatia placed the instrument of ratification on the CPPNM Amendment on 12 September 2006 with IAEA. On 9 June 1994, the Republic of Croatia, as a member of IAEA, signed the Agreement for the Application of Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons with Protocol (INFCIRC/463) (Official Gazette — International Agreements No. 13/94). The Protocol defines the reduced volume of safeguards application in the Republic of Croatia, as the nuclear material in Croatia does not exceed the quantity referred to in article 36 of the Agreement.

The Agreement entered into force on 19 January 1995, and since that time Croatia has established the State system of accounting, control and physical protection of nuclear material. The system is based on the regulation on the zones of material balance, on record-keeping on nuclear materials and on the delivery of data from such records (Official Gazette No. 53/91). Moreover, portable monitors to detect nuclear and other radioactive material were placed at one of the most frequented border crossings — Bregana — in November 2006, thus making it one of the best equipped for detection in this part of Europe.

Croatia accepted the safeguards system of IAEA with the aim of preventing the misuse of the peaceful uses of nuclear energy. Although Croatia does not possess any nuclear facilities, it is important to note that all the necessary safeguard measures are applied in all peaceful activities involving nuclear materials on its territory. Croatia will not approve the import, export or transit (transport) of nuclear materials without guarantees that these materials are protected according to levels specified in annex I to the Treaty. In the event of theft, robbery or any other illegal activity involving nuclear materials or similar threats, Croatia will, in line with its domestic legislation, cooperate and provide assistance in efforts to retrieve and protect these materials. Illicit trafficking in nuclear materials is penalized as a criminal offence according to the Penal Code.

In order to further enhance control of nuclear material and to support the safeguards activities of IAEA, Croatia signed, on 22 September 1998, the Protocol Additional to the Agreement for the Application of Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons (INFCIRC/463/Add.1) (Official Gazette — International Agreements No. 7/00).

The Additional Protocol entered into force on 6 July 2000, and since that time Croatia has established supervision and control measures over production and import and export of specific equipment and materials specially designed or prepared for producing, processing or using nuclear materials. The scope of the Additional Protocol with regard to supervision and control of production activities is outlined in annex I, and a list of equipment and materials under export or import control is included in annex II to the Additional Protocol.

Pursuant to the Additional Protocol, Croatia has assumed an obligation to notify IAEA on all nuclear activities on its territory. In line with articles 2 and 3 of the Additional Protocol, Croatia regularly reports to IAEA on the present state of affairs in Croatia with regard to the use of nuclear materials, development and research activities, as well as the production, import and export of specific equipment and nuclear materials. Regular inspections are conducted at locations where nuclear materials are used or where specific equipment can be produced. At the State level, all use of nuclear materials is registered in an official register, which is kept at the State Office for Nuclear Safety.

After the entry into force of the Additional Protocol in 2000, the existing decree specifying goods subject to export and import licences has been amended to add tariff items and numbers that comprise equipment and materials from annex II to the Additional Protocol (Official Gazette Nos. 67/03, 83/03, 121/03 and 198/03). Before the issuance of export and import licences for these goods by the Trade Department of the Ministry of the Economy, Labour and Entrepreneurship, which is authorized to issue such licences, the State Office for Nuclear Safety has to give its consent. In September 2006, Croatia informed IAEA of its support for both the Code

of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources.

The Nuclear Safety Act adopted in October 2003 (Official Gazette No. 173/03) identifies safety and protection measures to be applied as regards the use of nuclear materials and specified equipment in performing nuclear activities. It also establishes an independent regulatory body for nuclear safety — the State Office for Nuclear Safety (started work on 1 June 2005). According to the Act, nuclear activities are: production, processing, usage, storage, disposal, transportation, import, export, possessing or other handling of nuclear material and specified equipment. The State Office succeeded the Nuclear Safety Department of the Ministry of Economy, Labour and Entrepreneurship and took over its responsibility for giving consent for nuclear activities.

In 2006, the State Office for Nuclear Safety adopted a new Ordinance on the Control of Nuclear Material and Special Equipment (Official Gazette No. 74/2006), which regulates the list of nuclear materials and special equipment and the list of other activities related to the production of special equipment and non-nuclear material; the content of the forms for notification of the intention to carry out export/import and transport of nuclear material, the content of the form for notification of the intention to carry out activities for the production of special equipment and non-nuclear material, and the content of the form for reporting on the material balance of the nuclear material in the material balance area; the manner in which nuclear material records are kept, the procedure for notifying the State administration body competent for nuclear safety by the nuclear material user, and the keeping of registers of nuclear material and special equipment by the State administration body competent for nuclear safety; and the form for the official identification and badge of inspector for nuclear safety and the procedure for their issuance and use.

The Act on Liability for Nuclear Damage (Official Gazette No. 143/98), which regulates liability in the usage and management of nuclear materials, is based on provisions of the Vienna Convention on Civil Liability for Nuclear Damage (Official Gazette — International Agreements No. 12/93), to which Croatia is a party pursuant to succession from 29 September 1992, with its application from 8 October 1991.

In 2006, on the basis of article 34 of the Act on Ionizing Radiation Protection and the Safety of Ionizing Radiation Sources (Official Gazette No. 64/06), the import and export of sources of ionizing radiation may be carried out by legal and natural persons by virtue of the permit provided by the State Office for Radiation Protection, and, under article 35, the transport and transit of radioactive sources may be performed by legal and natural persons subject to the approval of the State Office for Radiation Protection, upon fulfilment of the conditions referred to in that Act, the conditions set out in the Act on Transport of Hazardous Substances and the Maritime Code and subordinate legislation enacted on the basis of the Maritime Code or accepted by the Maritime Code.

Pursuant to article 46 of the Act on Ionizing Radiation Protection and the Safety of Ionizing Radiation Sources, inspectional supervision over provisions of that Act and regulations enacted on the basis thereof shall be implemented by sanitary inspectors and border sanitary inspectors from the ministry responsible for health.

On the basis of article 16 of the Ordinance on the Register of Activities, Requirements and the Manner of Issuing and the Validity of Licences for Work with Sources of Ionizing Radiation and the Use of Sources of Ionizing Radiation (Official Gazette No. 125/06), legal and natural persons shall submit a request for a permit for export to the State Institute for Radiation Protection. The request for an export permit shall enclose the following:

1. A certificate of the radioactive source — for a sealed radioactive source.
2. A statement of the end-user on accepting the radioactive source.
3. A copy of a licence issued by a competent body of the country where the radioactive source is exported to, which permits the end-user to carry out certain activities with radioactive source.
4. A copy of a licence issued by the competent body of the country where the radioactive source is exported to, which permits the legal or natural person importing the radioactive source to import the radioactive source.

An importer shall, in written form and within 15 days of the delivery of a radioactive source to an end-user, inform the State Institute of Radiation Protection thereabout and enclose a statement of the end-user on acceptance of the radioactive source, as well as a copy of a single customs declaration.

On the basis of article 17 of the same Ordinance (Ordinance on the Register of Activities, Requirements and the Manner of Issuing and the Validity of Licences for Work with Sources of Ionizing Radiation and the Use of Sources of Ionizing Radiation), importers may receive orders and import radioactive sources only if end-users submit to them a copy of a licence issued by the State Institute of Radiation Protection for carrying out certain activities with radioactive sources and a permit for the procurement of radioactive sources.

On the basis of article 11, paragraph 2, of the Ordinance on the Conditions and the Measures of Protection against Ionizing Radiation for the Practices with Radioactive Sources (Official Gazette Nos. 84/00 and 106/03), before the radioactive substance passes the State border, the importer must forward to the border sanitary inspector the permit for purchasing the radioactive source issued to the end-user by the State Office for Radiation Protection.

Pursuant to article 4 of the Nuclear Safety Act (Official Gazette No. 173/03), the application for issuing authorization for the transport of nuclear material shall be filed with the State administration body responsible for the transport of radioactive material, while the State Office for Nuclear Safety grants approvals in the process of issuing the authorization. The procedure is laid down in the Ordinance on the Control of Nuclear Material and Special Equipment (Official Gazette No. 120/05) in its article 7.

On the basis of article 46 of the Act on Ionizing Radiation Protection and the Safety of Ionizing Radiation Sources (Official Gazette No. 64/06), the Ordinance on the Methods and Procedures of Surveillance during the Import and Export of Materials suspected to be contaminated with Radionuclides or to contain Radioactive Sources (Official Gazette No. 114/07) was promulgated recently. Controls on import or export of material with regard to which there is a justified suspicion of contamination by radionuclides or that it might contain radioactive sources shall be exercised by border sanitary inspectors, border police officers and

customs administration officers in cooperation with the State Office for Radiation Protection. This Ordinance constitutes the legal basis and starting point for institutional capacity-building and the concrete involvement of relevant Croatian governmental bodies, in particular the State Office for Radiation Protection, in international efforts in preventing illicit trafficking in nuclear and other radioactive materials.

Biological and chemical domain

Croatia implemented the 1972 Biological Weapons Convention into its national legislation as follows: Constitution of 1990 (in Croatian) — Art. 140; Law on transporting dangerous goods of 1993; Law on State Border Control of 2003; Customs Code of 1999; Act on Export of Dual-use Items, Official Gazette No. 100/04, of 9 July 2004; Decree on the List of Dual-use Items, Official Gazette No. 184/04, of 9 December 2004; Regulation on the Application Form for Issuing Export Licence for Dual-use Items, Official Gazette No. 166/04, of 1 January 2005; Regulation on the Application Form for Issuing Import Licence for Dual-use Items, Official Gazette No. 166/04 of 1 January 2005; Law on Arms of 1992, as amended in 2002. The National Authority for the Chemical Weapons Convention (CWC), established in 1997, and that for the Non-proliferation of WMD, established in 2004, are in charge of strengthening national counter-proliferation capabilities. In addition, Croatia puts a lot of effort into strengthening and enhancing national counter-proliferation capabilities. Civil servants take part in most of the exercises aimed at improving counter-proliferation capabilities and, information flow and internationalizing norms and procedures relating to the non-proliferation of biological weapons.

The Republic of Croatia does not have, nor has it ever in the past developed, biological or chemical weapons offensive programmes. Croatia has, however, biological and chemical defence programmes. These programmes are centred on a three-pronged approach: passive, technical and special measures for defending against possible biological and/or chemical attack. Passive measures include removing (eliminating) or softening the direct impact or after-effects of a biological attack, while technical measures include protecting military personnel from coming into contact with biological/chemical agents, with special emphasis on protection against lung or skin infections. The third approach — special measures — is concentrated on identifying possible users of chemical and biological weapons and taking preventive measures.

Croatia's pharmaceutical and biotechnology industries do not deal with sensitive pathogens, so the risk of an accidental outbreak of disease is minimal. Croatia would like to caution, however, that an attack using biological or chemical weapons could take many different forms; therefore constant vigilance is needed. Croatian representatives in charge of crisis management work continuously to improve their knowledge and keep themselves up to date with news in this field. Croatia takes care with regard to the education of representatives of industry. The Ministry of Economy, Labour and Entrepreneurship of the Republic of Croatia organized several workshops for representatives of industry to prevent illicit use of dangerous chemicals.

The National Authority for the Non-proliferation of WMD and the National Authority for the Implementation of the CWC are mandated to initiate changes in

the national law, to verify the implementation of relevant international law and to organize seminars and exercises to improve national capabilities in case of unusual outbreaks of disease.

The Republic of Croatia acceded to the Chemical Weapons Convention in April 1995. Since Croatia does not possess chemical weapons, its obligations relate to annual declarations on chemical facilities and cooperation with the OPCW, in particular with regard to inspections of such factories. In the case of OPCW inspections, the National Authority for the Implementation of the CWC is obliged to assist the inspection team and prepare the programme for the visit.

The Act on Chemicals (Official Gazette No. 173/03) defines safety and protection measures while using chemical materials and specified equipment. Illicit trafficking in chemical and biological materials is penalized as a criminal offence according to the Penal Code. Notwithstanding the above, it should be noted that article 163 of the Croatian Penal Code defines the illegal sale or possession of both biological or chemical weapons, as well as any other weaponry banned by international treaties or conventions, as a criminal offence punishable by imprisonment. The law states, in its paragraph 1, that "whomsoever constructs or develops, produces, attains, stores, offers for sale or purchase, brokers in the sale or purchase, possesses, transfers or transports chemical or biological weapons, or any other military equipment which is prohibited by international law, will be punished by imprisonment from 3 months to 3 years duration". Furthermore, paragraph 3 of the same law states: "If the execution of a criminal offence pursuant to paragraph 1 of this Article cases the death of one or more persons, the executor of the criminal offence will be punished by imprisonment of at least 5 years duration or longer term imprisonment".

Regulations on dual-use items related to WMD

The Act on the Export of Dual-use Items (Official Gazette No. 100/04) entered into force on 6 July 2004 and its application started on 1 January 2005 (owing to the need for the adoption of relevant regulations/lists which enable the implementation of the Act). The Act on the Export of Dual-use Items was prepared pursuant to the directive of the European Council, Regulation (EC) No. 1334/2000 of 22 June 2000, by which an efficient common control system of the export of dual-use items in the European Union (EU) member States was established. By passing this Act, the Republic of Croatia established a system of regulations for export control assurance for dual-use items and technologies. The list of dual-use items — Regulation on the List of Dual-use Items (Official Gazette No. 184/04, available at http://mingorp.hr), followed by the Regulation on the Amendment to the Regulation on the List of Dual-use Items, which entered into force in 2007 (Official Gazette No. 62/2007), was adopted by the Government of the Republic of Croatia pursuant to article 3 of the Act on Export of Dual-use Items in December 2004 and has been implemented, together with the Act, since 1 January 2005. The list of items as a part of the regulation is identical to annex I to Regulation (EC) No. 1504/2004 of 19 July 2004 (which is a revision of Regulation (EC) No. 1334/2000) (Official Journal number L 281), available from http://eur-lex.europa.eu. The list therefore also includes items from the internationally agreed control lists of dual-use items of the Nuclear Suppliers Group, the Wassenaar Arrangement, the Missile Technology Control Regime, the Australia Group and the Chemical Weapons Convention. The Customs Administration of the Republic of Croatia controls the export of dual-use items and

evaluates compliance with the export licence. Other parts of the State administration within their specific competences control other kinds of export.

The Ministry of Economy, Labour and Entrepreneurship may inspect dual-use items and the pertinent documentation in the exporter's or manufacturer's premises before and after export licence issuance.

Export licences for the export of dual-use items are issued by the Ministry of the Economy, Labour and Entrepreneurship pursuant to a proposal of a Committee comprising representatives of the Ministry of Foreign Affairs and European Integration, the Ministry of the Interior, the Ministry of Defence, the Customs Administration and the Ministry of the Economy, Labour and Entrepreneurship. Since the list of dual-use items refers to goods falling within the competence of other ministries, the Committee comprises representatives of ministries in charge of telecommunications, health, agriculture, et cetera, and, in order to run a check on the end-user, the Intelligence Agency. The representatives of the Croatian Chamber of Commerce are also involved in the Committee's work. The Committee has adopted its rules of procedure.

The Act also prescribes the so-called "Catch-all" control system, which is based not on the national control list but on the end use or the end-user. This means that the export licence will also be necessary for the export of goods not on the list when the Ministry of the Economy, Labour and Entrepreneurship informs the exporter that the goods could be used for the production and proliferation of chemical, biological or nuclear weapons. The export licence will also be necessary in the event that the goods are intended for a prohibited end-user, that is, a country against which Security Council sanctions or an action pursuant to a decision of the Organization for Security and Cooperation in Europe or the European Union are directed. However, if the exporter knows that the goods in export are intended for the said end use or end-user, it must inform the Ministry of the Economy, Labour and Entrepreneurship thereof, in which case the Ministry shall determine whether an export licence is necessary for such export.

An export licence will be issued for every individual export. However, depending on the type of dual-use items in question, the type and duration of the export agreement and the country to which these goods are being exported, the Ministry may issue to the exporter a global licence for the export of goods of the same kind, for one or more countries.

The Ministry will decide on the export licence application within 60 days, or 90 days if additional verifications are necessary (end-user verifications).

In the process of issuing the export licence, the Ministry shall take due care of the foreign policy, security, defence and economic interests of the Republic of Croatia and of the international commitments that it has undertaken. An already issued licence can be revoked if the conditions pursuant to which such a licence was issued no longer exist, or it can be annulled if it has been determined that the licence was issued on the basis of incorrect or incomplete information and the applicant knew, or had to know, that such information was incorrect or incomplete.

The Ministry keeps a record of export licences issued and exports undertaken; it cooperates with international organizations and other countries' competent bodies, in accordance with the obligations assumed by the Republic of Croatia. Since the

beginning of the implementation of the Act, that is, from 1 January 2005, 65 export licences have been issued.

A fine of a maximum of 250 per cent of the export business value is imposed for the export of dual-use items without an export licence, but not less than 50,000 kunas (at present approximately € 6,600) for legal and physical persons/ craftsmen.

The Ordinance on the Application Form for the Issuance of the Export Licence for Dual-use Items (Official Gazette No. 166/04) sets out the form and the contents of the application form and the list of documents to be attached thereto. The application form has been aligned with the form contained in annex III a to Council Regulation (EC) No. 1504/2004. The application for the issuance of the export licence shall be submitted to the Ministry of the Economy, Labour and Entrepreneurship. The whole application must be correctly and legibly filled in. The applicant is responsible for the accuracy and truthfulness of the data supplied in the application. The application form has been published on the Ministry's website (www.mingorp.hr) in order to facilitate the filing of applications by the exporters. It is still not possible to deliver the application in electronic form.

The Ordinance on the Application Form for the Issuance of the Import Certificate for Dual-use Items (Official Gazette No. 166/04) has been adopted by the Ministry of the Economy, Labour and Entrepreneurship pursuant to article 11 of the Act. The Ordinance sets out the form and the contents of the application form for the issuance of the import certificate for dual-use items and the evidence to be attached thereto. The import certificate is a document that will be issued by the Ministry of the Economy, Labour and Entrepreneurship if the country exporting dual-use items requires an import certificate for the export of such goods. The certificate will be issued in the Croatian and English languages. It contains data on the importer into the Republic of Croatia (and possible end-user, if different from the importer), the type, quantity and value of goods and an indication that the goods will not be re-exported from the Republic of Croatia without special approval from the Ministry.

Verification of the implementation of international and national legislation related to WMD

The National Authority for the Non-proliferation of WMD was established in November 2004 pursuant to the Security Council resolution 1540 (2004) as an inter-agency body, related in particular to cooperation within the Proliferation Security Initiative (PSI). The National Authority consists of the representatives of the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the Ministry of Economy, Labour and Entrepreneurship, the Ministry of Interior, the Ministry of the Sea, Tourism, Transport and Development, the State Office for Nuclear Safety, the State Office for Radiation Protection, the National Protection and Rescue Directorate, and the Customs and Intelligence services.

The National Authority for the Implementation of the CWC was established in June 1997, pursuant to article 7 of the CWC, as an inter-agency body and a link to the OPCW and other States parties to the CWC. The National Authority consists of the representatives of the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the Ministry of Economy, Labour and Entrepreneurship, the Ministry of Interior, the Ministry of Health and Social

Welfare, the Ministry of Science and the Ministry of Environmental Protection and Physical Planning.

The National Authority for the Implementation of the CTBT was established in 2002, pursuant to article 4 of the CTBT, as an inter-agency body, and consists of the representatives of the State Office for Nuclear Safety, the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the State Office for Radiation Protection, the Medical Institute and the Rudjer Boskovic Institute.

Implementation of international restrictive measures

Pursuant to Security Council Resolution 1540 (2004), at the national level the main instrument for the non-proliferation of WMD remains full export control of dual-use goods through the constant strengthening of enforcement agencies, as well as adherence to Security Council resolutions which are intended to stop proliferation. The Croatian Government adopted decisions on the implementation of measures established by Security Council Resolution 1718 (2006) regarding sanctions against the Democratic People's Republic of Korea and resolutions 1737 (2006) and 1747 (2007) regarding sanctions against the Islamic Republic of Iran. Immediately following their adoption, those decisions were fully implemented into the Croatian legal system. In order to enhance administrative capacity and fully enable the effective implementation of United Nations resolutions and EU sanctions and restrictive measures, Croatia has decided to amend the existing Law on International Restrictive Measures. For this purpose, a working group was established in order to propose a draft of the new Law on International Restrictive Measures.

Supporting the work of international organizations in order to reinforce multilateral instruments

Nuclear domain

In June/July 2006, Croatia hosted a directed exercise (DE06), followed by the seventh Experimental Advanced Course (EAC7), organized by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). The purpose of DE06 was to further evaluate, under realistic conditions, the operational aspects related to the setting up of a base of operation as well as other operational activities, such as additional overflights, environmental sampling and analysis, and to test the related standard operational procedures. Such activity has contributed to the drafting of the OSI Operational Manual and advanced the Commission's awareness in launching and conducting a real on-site inspection. As a state party to the Comprehensive Nuclear-Test-Ban Treaty, Croatia has completed all requested national procedures in order to establish a national data centre which would utilize the data of the CTBTO International Data System.

Croatia was part of the group of 25 countries which initiated the convening of the diplomatic conference to adopt the additional amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) in September 2005 in Vienna and actively participated in negotiations that ended in the adoption of the amendment to the CPPNM. Croatia believes that extending the scope of the CPPNM to cover the physical protection of nuclear facilities and the domestic transport, storage and use of nuclear material will contribute to the strengthening of the global nuclear security regime. Croatia also believes that the amended CPPNM will make

it easier for countries to meet their obligations under the Security Council resolution 1540 (2004), which calls for appropriate physical protection measures for nuclear materials.

Biological and chemical domain

Croatia supported the work of the OPCW by hosting a symposium entitled "CBMTS Industry I — Chemical and Biological War without Chemical and Biological Weapons", held in Zagreb in October 1998, during which a military exercise and demonstration was conducted and by hosting "CBMTS Industry II — World Congress on Chemical and Biological Terrorism", in Dubrovnik in April 2001, "CMBTS Industry III — Second World Congress on Chemical and Biological Terrorism", in Dubrovnik in September 2003, "CMBTS Industry IV — Third World Congress on Chemical and Biological Terrorism", in Dubrovnik in September 2005, and "CMBTS Industry V — Fourth World Congress on Chemical and Biological Terrorism", in Cavtat in April 2007. An OPCW workshop for customs authorities in South-eastern Europe on technical aspects of the transfers regime took place in the margins of the last Congress.

Since 2005, Croatia has hosted a C-5 Chemical Weapons Convention seminar once a year at the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC). The seminars are organized in cooperation with the OPCW. The purpose of the seminars is to focus on specific CWC topics and to provide a platform where the participating countries can present their experiences and exchange information on CWC-related issues. Personnel of ministries of defence, foreign affairs and the interior, non-governmental organizations, and Civil Protection demonstrated a great interest in the CWC topics. The cooperation with the OPCW ensured the presence of high-level lecturers, who were able to share their knowledge and experience with the participants.

According to the Agreement with the OPCW on providing a radiological, biological and chemical decontamination unit (RBC unit), Croatia established a unit, which is at the disposal of the OPCW, in line with article X of the CWC (international assistance and protection against chemical weapons).

The Republic of Croatia has been continuously engaged in working towards the effective and timely implementation of all its international obligations. Croatia regularly reports to the OPCW under article VI of the CWC, and presented the Final Declaration (on confidence-building measures) to the Third Review Conference of States Parties to the BTWC.

In 2006, Croatia placed instruments of ratification of the 1925 Geneva Protocol with the Ministry for Foreign Affairs of the Republic of France.

Croatian representatives participate in various courses, seminars and exercises in accordance with the provisions of the CWC. The Republic of Croatia hosted the international exercise "ASSISTEX 1" in Zadar in September 2002, co-organized by the National Authority, the Croatian Verification Centre team members and the OPCW. This exercise was the first OPCW exercise where the chemical contamination of the State party territory was demonstrated, and where, since Croatia lacks decontamination devices, the OPCW provided international assistance by engaging special nuclear, biological and chemical units from several States.

Croatia was actively involved in the negotiations of the Ad Hoc Group of States Parties to the BTWC on an implementing Protocol for the BTWC. At the Fifth Review Conference of the BTWC in 2001, Croatia supported the continuation of the work of the Ad Hoc Group, on the basis of the Ad Hoc Group Chairman's composite text on the future Protocol. Croatia believed that the Chairman's text offered a holistic approach, attempting to bring together different positions expressed in the debates of the Ad Hoc Group.

Croatia worked with other States parties to the BTWC towards the successful conclusion of the reconvened Fifth Review Conference in November 2002, including the adoption of a strong Final Declaration. Also, Croatia indicated that it would unilaterally support the United States proposals on national implementation measures and legislation for BTWC implementation, although it shared the view of some other European delegations that those presented political and not legal obligations.

With regard to the future international treaty negotiations, Croatia shares the opinion of its European partners on the need to convene as soon as possible negotiations on a fissile material cut-off treaty in the Conference on Disarmament in Geneva.

Additional efforts

In its support for the efforts to prevent the proliferation of WMD, the Republic of Croatia has welcomed the activities of the Proliferation Security Initiative (PSI). In June 2005, Croatia signed the Ship Boarding Agreement with the United States on cooperation to suppress the proliferation of weapons of mass destruction by sea.

Within its support for the PSI, in April 2006 Croatia hosted ARIEX (Adriatic Regional Integrated Exercise), with the participation of the United States-Adriatic Charter members, Croatia, Albania and Macedonia, as well as the United States and Poland.

Croatia strongly supports regional cooperation, being an active participant in the Stability Pact, SEDM, SECP and RACVIAC and their programmes for fighting international terrorism.

Croatia has intensified its participation within the South-Eastern Europe Defence Ministerial (SEDM) process, particularly during the chairmanship of the Working Group for Counter-Terrorism, Border Security and Counter-Proliferation of Weapons of Mass Destruction. Following the work done under the SEDM "Lake Bled Process" Croatia, together with the United States, organized an executive seminar for SEDM parliamentarians on the legislative aspects of the CBSC, in Dubrovnik in August 2005.

At first, the goal of the initiative was to update parliamentarians on WMD issues, to call their attention to the problem of inconsistent laws and regulations among the SEDM nations and to emphasize the urgent need to harmonize respective legislation. In the end, however, the executive seminar has grown into a new parliamentary initiative within the CBSC context, the so-called Dubrovnik Dialogue. This will be a forum for discussions between the SEDM members' legislators.

Future priorities

With its commitment to the Proliferation Security Initiative, Croatia is ready to more actively contribute to its activities, within the bounds of its institutional possibilities and of its national legislation.

In May 2008, commemorating the fifth anniversary of the successful work of the PSI, Croatia, together with the United States and Poland, will co-organize PSI exercise Adriatic Shield 08 in the port of Rijeka. Countries that are located on the Adriatic coast will be invited to give their contribution to the Adriatic Shield 08 aspiration. Testing the international flow of intelligence is envisaged as one of the main aims of this exercise. Special attention should be given to testing national procedures, not only for the timely detection of the illegal transport of dual-use and NSG trigger list items, but also for the prosecution of detected illegal acts.

An international workshop on the implementation of Security Council resolution 1540 (2004) will be organized by Croatia in cooperation with the Euro-Atlantic Partnership Council (EAPC). The workshop will take place in June 2008 at the RACVIAC Centre for Security Cooperation. It is expected that participants will be experts and Government officials from the countries of South-eastern Europe. The proposed topics for discussion are ways of further strengthening national capacities, laws and regulations; methods of implementation of international restrictive measures; and forms of outreach activities with a view to raising awareness of both civil servants and the private sector concerning the WMD threat.

At the beginning of 2008, as part of the enforcement activities regarding the implementation of the provisions concerning dual-use items, the Ministry of Foreign Affairs and European Integration, together with Croatian Chamber of Commerce, will organize a workshop bringing together members of academia and the public and private sector. This project will be held under the auspices of the United States Government and the European Commission.

Croatia has expressed interest in hosting the ninth International Export Control Conference.

Two projects financed through the PHARE programme have been accepted: the PHARE 2005 project, "Border control of nuclear and other radioactive materials with mobile portal monitor", and the PHARE 2006 project "Border control of nuclear and other radioactive materials with stationary portal monitors". In the context of the 2005 project, two mobile portal monitor unit teams are expected to be formed and, using suitable vehicles, move from one border crossing to another in order to detect and handle nuclear and radioactive materials. In the context of the 2006 project, stationary portal monitors should be installed on 14 border crossings (3 harbours, 4 rail border crossings, 1 airport and 6 road border crossings) on the borders with Serbia, Montenegro and Bosnia and Herzegovina. The projects should result in increased capacity for efficient Croatian border control of the trafficking in nuclear and other radioactive materials and the integration of the Croatian national system into the European Union network of controlling and combating trafficking in illicit nuclear and other radioactive materials.

Technical assistance to other States

The Republic of Croatia has a special interest in contributing to the stabilization and democratization of South-eastern Europe. Owing to its geographic position — along the so-called Balkan route — Croatia is particularly aware of the dangers of weapons of mass destruction proliferation. Additional engagement in this field is necessary and important in order not only to maximize the national performance, by improving domestic efficacy in preventing and suppressing, in particular, illicit trafficking and smuggling of these weapons and related equipment, but also to assist neighbouring countries in their efforts and in upgrade the level of regional cooperation in this particular field.

Regional cooperation on monitoring and response procedures for radioactive scrap metal has been established. At the meeting in March 2007, representatives of the countries of the region agreed on future cooperation, particularly in the field of information exchange in the case of radioactive scrap metal consignments, the training of border officials and equipment installation. The second meeting was held in November 2007 in Belgrade. All participating countries expressed their satisfaction with up-to-date activities and concluded to proceed with them.

Croatia has expressed interest in organizing, together with OPCW, a workshop on the implementation of the CWC and the BWC for academia and industry in the countries of the region, open to the African countries as well. The workshop is planned for the second part of 2008.

Zagreb, December 2007

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 31 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

On behalf of the Government of Canada, I am pleased to transmit herewith the third report of Canada to the Committee established pursuant to Security Council resolution 1540 (2004) on national implementation to date (see annex).

Canada maintains its unwavering commitment to international efforts to prevent the proliferation of weapons of mass destruction, including to non-State actors, and as such is deeply committed to the effective and timely implementation of resolution 1540 (2004).

Attached, please find Canada's report, which addresses in narrative form the three items outlined in your predecessor's letter of 17 October 2007. You will also find a technical rectification document containing detailed points addressing specific citations in the matrix that was provided by the Committee on the status of Canada's implementation of the resolution. Canada would be pleased to have the third report and the technical rectification posted on the Committee website for access by the public. Canada also welcomes the publication of its matrix on the Committee website after it has been updated accordingly.

Please note that the national point of contact for matters related to Canada's implementation of resolution 1540 (2004) is Michael Blackmore of the Department of Foreign Affairs and International Trade, who can be reached at 1-613-944-5389 or by e-mail at Michael.Blackmore@international.gc.ca. I invite the Committee to make Mr. Blackmore's contact information available on the website to accommodate queries from interested parties.

Canada recognizes the important role played by the Committee in coordinating country reports and facilitating donor assistance and applauds the constructive work being undertaken to promote implementation of resolution 1540 (2004).

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Please recycle

If there is any additional information required or clarification of any matter raised in the enclosures please do not hesitate to contact myself or Mr. Blackmore. We look forward to working with the Committee in the future, and wish the Committee success in the preparation of its upcoming report to the Security Council.

(*Signed*) Henri-Paul **Normandin**
Chargé d'affaires a.i.

Annex to the letter dated 31 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

Third report of Canada to the Committee established pursuant to resolution 1540 (2004)

Canada extends its thanks to the Security Council Committee established pursuant to resolution 1540 (2004) for its letter of 17 October 2007 and accompanying matrix, and is pleased to follow up with the third national report concerning Canada's implementation of the resolution.

The present report is divided into four sections. Section A addresses the blank cells or cells marked with a "?", as found in the matrix. Additional information pertaining to Canada's national legal frameworks and enforcement procedures relevant to resolution 1540 (2004) is included herein. Section B provides an update on Canadian measures relevant to implementation of the resolution that were not captured in the two earlier reports. Section C outlines future measures that Canada intends to take, relevant to implementation of the resolution. Section D addresses Canadian assistance to other States, relevant to implementation of the resolution.

Canada wishes to take this opportunity to express concern regarding omissions in the matrix provided by the Committee related to Canada, the content of which was derived from the first and second national reports submitted. In Canada's first and second national reports, relevant criminal provisions were described in some length. Some of the information — particularly pertaining to nuclear weapons — from these reports does not appear to be reflected in the most recent matrix, including some information regarding basic import and export control regulations. For example, in the section on operative paragraph 3 (a) and (b), accounting for, securing and physically protecting nuclear weapons and related materials (on pages 13-15 of the matrix), additional references should have been made throughout this part of the matrix to the nuclear security regulations; information has previously been provided in Canada's first report on page 10 and in the second report on pages 5 and 11-13. Canada calls the attention of the Committee to the technical rectification document (see enclosure), submitted in conjunction with the present report, which contains detailed points aimed at addressing these omissions.

Section A: addressing gaps found in the matrix

Operative paragraph 2 — Biological weapons

The Criminal Code is a principal part of Canada's national legal framework, and should therefore be included in the national legal framework column on page 3 of the matrix, corresponding to its inclusion in the enforcement column. The Biological and Toxin Weapons Convention Implementation Act (BTWCIA) (2004) is also a part of Canada's national legal framework: it received Royal Assent in 2004. Although it has yet to be enforced through regulations, many aspects of it are enforced through existing Criminal Code provisions.

Some additional legal frameworks should be cited here as well. The act of acquiring a pathogen in Canada falls under the Health of Animals Act, Plant

Protection Act and the regulations for Importation of Human Pathogens. Possession of a pathogen falls under the BTWCIA, and is enforced through the Criminal Code. Stockpiling, storage and development of a pathogen are also covered under the BTWCIA and are enforced through the Criminal Code. The legal framework for transporting pathogens is provided by the Transportation of Dangerous Goods Act (1992). For transferring pathogens, the relevant legal frameworks are the Transportation of Dangerous Goods Act, the BTWCIA, Importation of Human Pathogens regulations, the Plant Protection Act and the Health of Animals Act.

The Transportation of Dangerous Goods Act (1992) outlines safety standards, procedures and standards for the transport of dangerous goods. It contains reporting requirements for accidental release of dangerous goods and emergency response provisions, and outlines the punishment for offences under this act.

The Department of Health Act (1996) sets out the powers, duties and functions of the Minister which extend to all matters covering the promotion or preservation of the health of Canadians over which Parliament has jurisdiction, including the protection of the people of Canada against risks to health and the spreading of disease, and investigation and research into public health, including the monitoring of diseases.

In 1994 Health Canada introduced regulations to control the importation of human pathogens and to ensure proper laboratory handling and containment of these pathogens. Importation permits are issued by the Office of Laboratory Security, Biosafety Division after appropriate evaluation and approval of laboratory facilities.

In 1990 Canada established the Biological and Chemical Defence Review Committee, which is mandated to review annually the research, development and training activities in biological and chemical defence undertaken by the Department of National Defence to ensure that these activities are defensive in nature and conducted in a professional manner with no threat to public safety or the environment.

As a participant in the Australia Group, Canada has incorporated into its Export Controls List (Group 7) those biological agents, biological pathogens and biological test, inspection and production equipment agreed upon by that export control forum.

Operative paragraph 2 — Chemical weapons

In 1995 the Government of Canada enacted the Chemical Weapons Convention Implementation Act (CWCIA), which prohibits persons or entities to manufacture, produce, acquire, possess, stockpile, develop and use, directly or indirectly, chemical weapons. Relevant sections of the CWCIA as they pertain to resolution 1540 (2004) are detailed in Canada's second report to the Committee on pages 13 and 14 and are included in the matrix. The CWCIA is enforced through Canada's Criminal Code, the relevant sections of which are also already included in the matrix on pages 5 and 6.

Canada has incorporated into its Export Controls List chemicals and precursors controlled under the Chemical Weapons Convention.

Operative paragraph 2 — Nuclear weapons

Canada's national legal framework prohibiting the manufacture, production, acquisition, possession, stockpiling, storing, developing, transporting, transfer, and use of nuclear weapons is contained in the Nuclear Safety and Control Act (NSCA) which came into force on 31 May 2000. Canada's first report (2004) to the Committee on pages 2 and 3, and Canada's second report (2006) to the Committee on pages 5-7, detail the provisions in sections 26, 48, 50 and 51 of the NSCA, which prohibit activities related to nuclear weapons, as outlined in resolution 1540 (2004) and include penalties for violations.

Matrix rows 1-8 on page 7 should include sections 26, 48, 50 and 51 of the NSCA. For row 1 to 8 in particular, the Committee should refer to information provided in Canada's first report on pages 2 and 3 and 8, and in Canada's second report on pages 5-7, for further information on sections 50 and 51 of the NSCA, as well as other relevant sections (24, 26, 48) and regulations. Reference should be made in particular to section 50 of the NSCA, as this offence reinforces some of the important prohibitions called for in resolution 1540 (2004), in that it makes it an offence to possess a substance, equipment or information that is capable of being used to produce a nuclear weapon or nuclear explosive device. The penalty provision is subsection 51(2) of the NSCA.

Canada is unclear as to what is being asked in matrix entries 3, 7 and 8 as the relevant sections of the NSCA (including s.26) are addressed in the above-mentioned pages of Canada's earlier reports to the Committee.

In row 6 of the matrix, Packaging and Transport of Nuclear Substances Regulations should be included. The safe and secure transport of nuclear material within Canada is assured by implementation of the NSCA and the Regulations. The Regulations require the issuance of a transport licence to the shipper, which includes the review of the security plan which must be submitted prior to transport of such material. NSCA/Canadian Nuclear Safety Commission (CNSC) regulations can be included in row 13 as they include non-State actors. Row 14, referencing import, also requires inclusion of the Nuclear Non-proliferation Import and Export Control Regulations, as detailed in Canada's second report on pages 5 and 18.

Information about weapons of mass destruction proliferation financing pursuant to operative paragraph 2 of resolution 1540 (2004) can be found in section B of the present report.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect biological weapons, including related materials

The secure use and storage of imported pathogens is enforced under the Human Pathogens Importation Regulations (1994), and provisions surrounding the secure transport of pathogens are fully enforced under the Transportation of Dangerous Goods Act and its subsequent regulations.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect chemical weapons, including related materials

For inclusion in rows 4, 6 and 9, section 5 of the Transportation of Dangerous Goods Act (TDGA) (1992) provides conditions under which dangerous goods may be handled, including safety requirements, documentation, containment and

transport. The Act provides conditions for appropriate handling of dangerous goods, where "handling" is defined as "loading, unloading, packing or unpacking of dangerous goods ... or following transportation and includes storing them in the course of transportation".

Regarding the enforcement of the TDGA, the matrix should include in rows 4, 6 and 9, section 33, which provides that "Every person who contravenes or fails to comply with a provision of this Act is guilty of (a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars for a first offence, and not exceeding one hundred thousand dollars for each subsequent offence; or (b) an indictable offence and liable to imprisonment for a term not exceeding two years." Section 34 further outlines court orders which may "(a) [prohibit] the person for a period of not more than one year from engaging in any activity regulated under this Act; (b) [require] the person to provide compensation, whether monetary or otherwise, for any remedial action taken or damage suffered by another person arising out of the commission of the offence; (c) [require] the person to do anything that will assist in repairing any damage to the environment arising out of the commission of the offence; or (d) [require] the person to conduct programs of technical research and investigation into the development and improvement of safety marks, safety requirements and safety standards, or to pay an amount in the manner prescribed to be used to conduct the research".

For inclusion in row 7, the Chemical Weapons Convention Implementation Act stipulates restrictions on transferring chemical weapons, directly or indirectly to anyone, penalties for which include: on summary conviction, a fine not exceeding $5,000 or to imprisonment for a term not exceeding eighteen months, or to both; or on conviction on indictment, a fine not exceeding $500,000 or to imprisonment for a term not exceeding five years, or to both.

Operative paragraph 3 (a) and (b) — Account for, secure and physically protect nuclear weapons, including related materials

As a non-nuclear-weapon State, Canada does not possess nuclear weapons. With respect to accounting of nuclear materials, reference should be made to the Canadian Nuclear Safety Commission as the agency responsible for Canada's State System of Accountancy for and Control of Nuclear Material (as indicated in Canada's second report on pages 11 and 12). Moreover, as indicated earlier in the present report, reference should have been made throughout this part of the matrix to the National Security Regulations (NSRs) — information has previously been provided in the first report on page 10 and the second report on pages 5 and 11-13. It is also important to note that the NSRs have been updated (SOR/2006-191, in force 27 November 2006) since Canada's previous report to the Committee. Therefore, all previous references to the NSR throughout the matrix should be updated accordingly.

Matrix entries 3, 4, 8, 9, 13 and 14 (under legal framework) should include the NSRs. Regarding entry 21, the revised NSRs meet both: the International Atomic Energy Agency (IAEA) recommendations found in the Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4, corrected) and the international requirements found in the Convention on the Physical Protection of Nuclear Material (IAEA document INFCIRC/274/Rev.1) to which Canada is a party.

In addition, using a risk-based approach, some of the requirements as noted below were put in place at certain nuclear facilities as a result of the amended NSRs: the establishment of on-site armed response; enhanced security screening (reliability/background checks) of employees and contractors; protection against forced vehicle penetration; improved identification checks of personnel accessing nuclear sites; increased search of personnel and vehicles entering and leaving certain nuclear sites; and improved contingency planning, drills and exercises for physical protection programmes.

With respect to physical protection, as noted in Canada's second report (page 11) Canada has been a State party to the Convention on the Physical Protection of Nuclear Material since 1987. In 2005, Canada, along with 87 other States parties, agreed unanimously to an Amendment designed to correct certain deficiencies in the original Convention. Canada has received authority to proceed with implementation and ratification of the Amendment. Canada has already partially implemented the requirements of the Amendment in the form of revised Nuclear Security Regulations adopted pursuant to the Nuclear Safety and Control Act in 2006. Canada will be in a position to ratify the Amendment once additional implementing legislation is passed by Parliament.

Operative paragraph 3 (c) and (d) and related matters from operative paragraphs 6 and 10 — Controls of chemical weapons, biological weapons and nuclear weapons, including related materials

Canada also continues to work with partners to strengthen the international legal framework as it relates to illicit trafficking in weapons of mass destruction, their means of delivery and related materials. In 2008, Canada will continue to work towards ratification and implementation of the 2005 Protocols to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material. Canada is also working with partners in the International Civil Aviation Organization (ICAO) to develop new protocols to address emerging threats to civil aviation, including illicit trafficking related to weapons of mass destruction.

With regard to chemical weapons, Canada's domestic legislation, such as the Transportation of Dangerous Goods Act and the Export and Import Permits Act, outlines restrictions on the transport, trade, transfer, and cross-border movement (including re-export) of chemicals and chemical weapons. The CWCIA addresses issues of licensing to regulate the use and production of scheduled chemicals in Canada and to formally screen the users and producers of these chemicals.

Canada wishes to point out some omissions in the matrix provided with regard to controls of nuclear weapons and related materials. For example, "CANS" should be replaced with "CNSC" in row 11. In rows 13, 15, 17 and 25, the Nuclear Non-proliferation Import and Export Control Regulations should be included. Canada's Nuclear Non-proliferation Import and Export Control Regulations control the international transfer of controlled nuclear substances, controlled nuclear equipment and controlled nuclear information. (This was mentioned in Canada's second report on pages 18 and 19.) Canada's 26 Nuclear Cooperation Agreements covering 43 countries, and their corresponding Administrative Arrangements, which outline the terms of implementation of the provisions of the Nuclear Cooperation

Agreements, should be cited in row 22 ("re-export control"). Nuclear Cooperation Agreements are bilateral non-proliferation agreements that ensure that nuclear trade is carried out in a manner consistent with Canada's nuclear non-proliferation policy. They are legally binding, treaty-level documents. Major nuclear exports are made subject to the Nuclear Cooperation Agreements, and this means, inter alia, that Canada retains retransfer (re-export) control over the item(s) — namely, the importing country is required to request and obtain permission to retransfer (re-export) the item(s). The request for consent is implemented through the Administrative Arrangements. Information on Nuclear Cooperation Agreements was previously provided in Canada's second report on pages 13 and 23.

Operative paragraphs 6, 7 and 8 (c) — Control lists, assistance, information

For information on Canadian assistance to other States pursuant to operative paragraph 7, please refer to section D, "Canadian assistance to other States relevant to resolution 1540 (2004) implementation", of the present report.

Section B: update on Canadian measures relevant to implementation of resolution 1540 (2004) which were not captured in the two earlier reports

Weapons of mass destruction proliferation financing (operative paragraph 2)

Since its previous report to the Committee, Canada has been actively supporting work by the Financial Action Task Force (FATF) on proliferation financing. In May 2007, Canada hosted an FATF working group on terrorist financing and money-laundering intersessional meeting on proliferation financing. At that meeting it was agreed that the FATF would develop guidance: (a) to assist jurisdictions in implementing targeted financial sanctions contained in Security Council resolutions related to the prevention of weapons of mass destruction proliferation (1718 (2006), 1737 (2006), and 1747 (2007)); (b) with regard to the activity-based financial prohibitions contained in operative paragraph 6 of resolution 1737 (2006); and (c) pertaining to broader financial prohibitions, and in particular those prescribed in resolution 1540 (2004). In order to support the development of FATF guidance on broader financial prohibitions such as those required by resolution 1540 (2004), Canada is co-leading (with Denmark) an FATF typology project on proliferation financing. Further to the FATF guidance on the activity-based financial prohibitions found in resolution 1737 (2006), Canada's working group on proliferation finance is also working to develop information and red flag indicators that could be shared with Canadian financial institutions to help them to identify high-risk customers and transactions.

Comprehensive Nuclear-Test-Ban Treaty (operative paragraph 8)

Entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains a priority for Canada in the field of nuclear non-proliferation and disarmament. In September 2006, Canada was one of six co-hosts of a "Friends of the Comprehensive Nuclear-Test-Ban Treaty" ministerial-level meeting in New York on the margins of the United Nations high-level meetings. Canada joined 71 States in signing the joint ministerial Statement supporting entry into force of the Treaty that was issued at the meeting. In October 2006, Canada co-hosted a workshop on

international cooperation on the Treaty for the Greater Caribbean, held in Mexico City. The workshop discussed the security and technological benefits of membership and agreed on recommendations for working to advance ratification and implementation of the Treaty in the region.

Also in October 2006, the radionuclide station operating in Yellowknife, Northwest Territories, which is part of the Treaty's verification system, detected emissions of noble gas that could be reliably traced back to the site of an explosion conducted by the Democratic People's Republic of Korea on 9 October, which helped to confirm that the event was a nuclear-weapon test explosion. Canada has since called for the Comprehensive Nuclear-Test-Ban Treaty Organization's PrepCom to install the noble gas detection equipment that is currently operating in select radionuclide stations (including Yellowknife) as a part of the International Noble Gas Experiment into all radionuclide stations that are a part of the Treaty's verification system.

In September 2007, Canada's Minister for Foreign Affairs wrote to his counterparts in all States that had yet to ratify the Treaty to urge their Governments to do so as soon as possible. In the same month, Canada joined all other ratifiers of the Comprehensive Nuclear-Test-Ban Treaty in support of the Final Declaration of the fifth Article XIV Conference to Facilitate Entry into Force of the Treaty that was held in Vienna. In November 2007, Canadian officials attended a workshop on international cooperation on the Treaty for States in the Caribbean region, held in Nassau, to explain possible funding options that could assist States in the region to complete ratification and implementation of the Treaty.

Promoting dialogue and cooperation — Global Initiative to Combat Nuclear Terrorism (operative paragraph 9)

In the light of the threat posed to Canadian and international security by the prospect of nuclear terrorism, Canada joined the Global Initiative to Combat Nuclear Terrorism (GICNT) as an initial partner nation in July 2006. Through the GICNT, Canada is working in collaboration with other partner nations to enhance international efforts to prevent, interdict and manage the consequences of a nuclear or radiological attack. As part of its contribution to the GICNT programme of activities, in spring 2008 Canada will host a GICNT workshop on the security of radioactive sources. The workshop will focus on the development of systems for the physical protection of high-risk radioactive sources, as well as national systems for accounting and control of such sources. Beyond fostering international cooperation and capacity-building to address the threat of nuclear or radiological terrorism, Canada's participation in the GICNT also complements and reinforces domestic efforts to strengthen security on nuclear and radiological materials and facilities in Canada.

Country-specific measures

Under its Export and Import Permits Act, Canada reviews export applications on a case-by-case basis. The review can include a rigorous consultation process that will closely examine destinations.

Canada has implemented specific measures against Iran and the Democratic People's Republic of Korea in accordance with United Nations Security Council resolutions on non-proliferation.

Under the domestic United Nations Act, Canada may impose economic or trade sanctions against States when such measures have been called for in binding resolutions of the Security Council. Canada has implemented two sets of regulations under this legislation that specifically address non-proliferation in imposing economic measures against the Democratic People's Republic of Korea and Iran. Violations of these regulations are a violation of the United Nations Act with a maximum sentence of 10 years' imprisonment.

Democratic People's Republic of Korea

On 9 November 2006, Canada implemented the Regulations Implementing the United Nations resolution on the Democratic People's Republic of Korea in accordance with Security Council resolution 1718 (2006) of 14 October 2006. The Regulations impose a number of measures to prevent Canadian involvement or assistance in providing materials used for nuclear weapons to the Democratic People's Republic of Korea.

The Regulations prohibit persons in Canada and Canadians outside of Canada from engaging in the export, sale, supply or transport of arms and related material and from contributing resources to the weapons programme of the Democratic People's Republic of Korea. There is also a prohibition against carrying any arms or related material on Canadian vessels and on providing technical assistance to the Democratic People's Republic of Korea on arms or related material.

The Regulations also include an assets freeze on the property of designated persons. Designated persons are those designated by the Security Council Committee established pursuant to resolution 1718 (2006) as being "engaged in or providing support for ... nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at this direction". The Regulations also require Canadian financial institutions to review their transactions to ensure that they are not dealing with the property of a designated person.

Iran

On 22 February 2007, Canada implemented the Regulations Implementing the United Nations resolution on Iran. The Regulations implement Security Council resolution 1737 (2006) of 27 December 2006. The Regulations were further amended in accordance with resolution 1747 (2007) of 24 March 2007.

The Regulations prohibit any person in Canada or any Canadian outside of Canada from engaging in the sale, supply or transfer of nuclear material, equipment and technology or arms and other related material to Iran. The comprehensive list of products is outlined within the Regulations and is based on United Nations information circulars on nuclear materials and products designated by the Security Council. There is also a prohibition against carrying any identified product on Canadian vessels and on providing technical assistance to Iran on the use of designated products.

The Regulations also include an asset freeze on the property of designated persons. Designated persons are those identified by the Security Council or by the 1737 Committee established pursuant to resolution 1737 (2006) as engaged in or

providing support, directly or indirectly, for Iran's proliferation sensitive nuclear activities and the development of nuclear weapons.

Additional information

Canada has submitted reports on its implementation of these resolutions on non-proliferation to both the 1718 Committee and the 1737 Committee.

Full details on Canadian economic sanctions, including the full text of measures imposed against the Democratic People's Republic of Korea and Iran are available at: http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp.

Section C: future measures that Canada intends to take relevant to implementation of resolution 1540 (2004)

Canada continues to enhance its ability to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials, through its active participation in the Proliferation Security Initiative (PSI). Participation in the PSI continues to strengthen Canadian inter-agency coordination on weapons of mass destruction interdiction-related matters, as well as coordination and cooperation with other PSI participating States. In 2008, Canada will develop a national PSI response plan, which will be informed by interdiction lessons and techniques learned through Canada's participation in the PSI operational experts group and exercise programme.

On nuclear weapons specifically, Canada has been advocating for institutional strengthening of the Non-Proliferation Treaty (NPT) for several years. Currently, States parties need to wait until the quinquennial review for collective action on subjects of critical importance to the NPT, although even then — as we saw in 2005 — such subjects may not be adequately addressed. At the 2005 Review Conference, Canada submitted a working paper (NPT.CONF2005.WP39) that calls for a series of institutional reforms beginning with the establishment of a small standing bureau of the NPT. This bureau would convene extraordinary sessions in the event a State party submits a notification of intent to withdraw from the Treaty, or if other situations arise that threaten the integrity or viability of the NPT. A bureau could also represent the NPT membership in the period between review conferences.

The working paper also recommends the convening of annual meetings of the Parties. This would ensure an annual authoritative meeting of the membership and bring the Treaty in line with contemporary practice of other major weapons of mass destruction-related conventions. Annual meetings could also offer the opportunity to follow a fixed agenda rather than having to go through the current NPT agenda approval process. One week meetings could be organized without increasing the overall time envelope allotted for the NPT review cycle. Canada also supports improved annual reporting by States parties on their implementation of the Treaty.

With regard to controls of nuclear weapons and related materials (operative paragraph 3), amendments to the Nuclear Non-proliferation Import and Export Control Regulations were initiated in 2007. Depending upon the duration for completing the appropriate Government review/requirements for amending

regulations, it is hoped that the amended regulations would be in force by 2008-2009.

In terms of biological weapons, the continued viability of the Biological Weapons Convention remains a key element in our international security strategy. Canada has recently added a section on domestic responsibilities for the Convention in our biosafety guidelines. The guidelines are a primary manual for all labs across Canada, and are used as an outreach tool through Canadian International Development Agency (CIDA)-funded projects in Africa and Asia. The manual itself will be republished in late 2008, and will be part of a mandatory biosafety/biosecurity course. Canada's approach to implementing resolution 1540 (2004) as it relates to chemical weapons has been effective to date. Canada endeavours to provide leadership to regional States parties to ensure they meet their obligations under the Chemical Weapons Convention.

Finally, concerning assistance to other States, Canada's Global Partnership Program (GPP) is directly working to bring about the implementation of resolution 1540 (2004). Canada is currently in the process of drafting a chapter for the Best Practices Guide of the Organization for Security and Cooperation in Europe (OSCE) that outlines the methods and mechanisms used by Canada, based on its Global Partnership experiences to date, relating to the physical protection of nuclear and biological materials. (More detailed information about the GPP is found in section D of the present report.)

Section D: Canadian assistance to other States relevant to implementation of resolution 1540 (2004)

The Global Partnership against the Spread of Weapons and Materials of Mass Destruction

Canada has committed up to $1 billion over 10 years to The Global Partnership against the Spread of Weapons and Materials of Mass Destruction, which was launched at the 2002 Group of Eight summit held in Kananaskis. Much like resolution 1540 (2004), it is designed to prevent terrorists and States that harbour them from acquiring chemical, biological, nuclear and radiological weapons and related materials. Though its activities are initially in Russia, Ukraine and other countries of the former Soviet Union, the Global Partnership is considering expanding globally. Since 2002, Canada's Global Partnership has been active in the four priority areas identified by leaders at Kananaskis: destruction of chemical weapons; disposition of fissile materials; dismantlement of nuclear submarines; and redirection of former weapons scientists. Biological non-proliferation was also identified as a serious concern by the Group of Eight and is an important priority for Canada.

Accompanying the Partnership agreement at Kananaskis was a set of six principles for preventing the proliferation of weapons of mass destruction. The principles which were subsequently endorsed by the General Assembly in resolution 57/68 include: strengthening the international non-proliferation regime through its treaties and other instruments; securing chemical, biological, radiological and nuclear materials in use, storage and transport; securing facilities against sabotage; strengthening border controls and law enforcement efforts to deter, detect and interdict in cases of illicit trafficking; strengthening export and trans-shipment

controls; and an overall reduction in the quantities of weapons of mass destruction-related materials in existence.

Canada's Global Partnership Program

Destruction of chemical weapons

Canada has contributed over $100 million towards the chemical weapons destruction facility at Shchuch'ye in Western Siberia where 1.9 million chemical weapons will be destroyed in a safe and environmentally sound manner. This will help to enable Russia to fulfil its obligations under the Chemical Weapons Convention to destroy its declared stockpile of 40,000 tons at seven storage facilities. Canada is working in partnership with the United Kingdom to implement these projects. While completing work at Shchuch'ye, Canada has also begun preparatory work to provide assistance at the Kizner chemical weapons destruction facility which will destroy 2 million nerve agent-filled munitions similar to those stored at Shchuch'ye. It is anticipated that Canada will provide the key destruction process equipment for the chemical weapons destruction facility to be constructed at Kizner.

Dismantlement of nuclear submarines

Canada is spending well over $100 million to dismantle and de-fuel 12 nuclear-powered submarines in North Russia: 8 have been fully dismantled and 4 are in progress. A total of $32 million has also been contributed to the Northern Dimension Environmental Partnership (NDEP) managed by the European Bank for Reconstruction and Development to address security, safety and infrastructure concerns associated with the large quantities of spent nuclear fuel and radioactive wastes in North West Russia. Canada is now engaged in planning for nuclear submarine dismantlement in the Far East of Russia 2008-2012.

Nuclear and radiological security

Canada's Global Partnership Program has established a robust programme of activities to prevent terrorists and countries that harbour them from acquiring and using nuclear and other radiological materials. As part of its commitment to the Global Partnership, Canada is spending over $200 million on international nuclear and radiological security projects. Canada's holistic, multifaceted approach focuses on four main areas of activity in countries of the former Soviet Union: (a) strengthening the physical security of weapons-grade nuclear materials and facilities; (b) eliminating the use of plutonium through the shut down of the last plutonium-producing reactor in Russia and supporting international efforts to dispose of 34 tons of weapons-grade plutonium; (c) removing and securing highly radioactive sources to improve radiological security; and (d) improving border security to prevent the illicit trafficking of nuclear and other radiological materials.

In close collaboration with our Russian partners, Canada's GPP has developed a robust programme to help upgrade the physical security of Russian nuclear facilities. Sustainability of the upgrades is a key concern, and measures are embedded in every Canadian project. Through the International Atomic Energy Agency (IAEA), Canada's GPP is also funding the development of a nuclear security training centre at Obninsk in Russia.

In addition to securing nuclear materials, it is also critical that fissile material stockpiles be reduced. Canada's $9 million contribution from GPP to the United States-led project to shut down the last Russian plutonium production reactor is being implemented successfully.

Canada's GPP has also completed two key projects with Russia aimed at the recovery, securing, replacement and decommissioning of highly radioactive sources that could be used in a radiological dispersal device or "dirty bomb". Canada's GPP is also working with the United States Department of Energy Global Threat Reduction Initiative to deal with these dangerous sources.

In 2006, Canada's GPP concluded projects funded with its 2004 $4 million contribution to the IAEA Nuclear Security Fund and has made a second $4 million contribution. With Canada's GPP contribution, the IAEA implements vital nuclear and radiological security projects in countries of the former Soviet Union, including, for example, the securing of highly radioactive sources.

Canada's GPP has funded security upgrades to land borders in the former Soviet Union through the IAEA Nuclear Security Fund. Canada is also working through the United States Department of Energy's Second Line of Defense programme to install security upgrades at Ukrainian air and sea ports (pursuant to operative paragraph 10, on preventing illicit trafficking).

Redirection of former weapons scientists

Canada is working with Russia and other countries of the former Soviet Union via the Moscow-based International Science and Technology Center and the Kyiv-based Science and Technology Center Ukraine in order to provide former weapons scientists with peaceful employment opportunities. To date, Canada has contributed over $28 million to over 120 individual research projects involving over 2,400 former weapons scientists. Canada has also contributed over $12 million to supplementary activities geared towards assisting former weapons scientists and their institutes achieve sustainability.

Biological non-proliferation

Canada's Global Partnership Biological Non-Proliferation Programme is supporting a range of biological non-proliferation activities in countries of the former Soviet Union. Particular emphasis is being placed on improving biological security and biological safety through (a) development and implementation of national biosecurity/biosafety standards and related legislation; (b) assistance in establishing national and regional biosafety associations and integrating professionals within existing international biosafety associations; (c) biosecurity and biosafety training; and (d) upgrading biological facilities, and constructing new facilities to address serious proliferation concerns. The success of the Programme is a result of leveraging varied expertise from a number of Canadian Departments and Agencies.

Canada also is cooperating closely with other Global Partnership countries, the World Health Organization, the World Bank and other international organizations to maximize effectiveness. In addition to biosecurity and biosafety, Canada's GPP supports a broad range of projects and initiatives that aim to strengthen multilateral biological non-proliferation initiatives, mechanisms and forums.

The Counter-Terrorism Capacity-building Program

Alongside these efforts, Canada's Counter-Terrorism Capacity-building Program assists other States under Security Council resolution 1456 (2003) and in direct support to resolution 1540 (2004). The Program supports training courses, workshops, equipment, and technical and legal assistance to States to enable them to prevent and respond to terrorist activity in a manner consistent with international counter-terrorism and human rights norms, standards and obligations.

More than 20 capacity-building projects have increased the ability of countries in Asia, South America, the Caribbean, Central America, Africa and the Middle East to respond to chemical, biological, radiological, nuclear and explosives issues. For example, INTERPOL developed a Bio Incident Response Guide that is used by States as a training tool. The guide was translated into four languages (Arabic, English, French and Spanish) and widely distributed. The International Association of Bomb Technicians and Investigators organized a conference for explosive ordnance disposal technicians to provide advanced level training to police and military technicians in order to augment their capacity to obviate and mitigate the impacts of terrorist attacks. In another case, trace detection equipment and training for narcotics and explosives were provided to increase security during the Cricket World Cup 2007 in host countries in the Caribbean. These projects, and many more, have significantly improved the ability of States to detect chemical, biological, radiological, nuclear and explosives attacks, proactively protect their citizens, and contribute to countering terrorism.

Bilateral and regional workshops

Recognizing that many States continue to require assistance in implementing the provisions of resolution 1540 (2004), Canada is actively engaged in outreach and capacity-building efforts on a bilateral basis, as well as in collaboration with the 1540 Committee, regional organizations and non-governmental organizations.

Canada has actively promoted implementation of resolution 1540 (2004) through its participation in OSCE. On 8 November 2006, under Canadian chairmanship, the OSCE Forum for Security Cooperation held a successful one-day workshop on implementation of the resolution. That workshop focused on the importance of developing national strategies and workplans to advance implementation of the resolution's requirements. Subsequent to that workshop, the OSCE adopted the Forum for Security Cooperation and Ministerial Council decisions, in which the organization undertook to continue to consider measures to promote implementation of the resolution, including through the sharing of best practices. Canada is currently in the process of preparing a chapter on physical security of weapons of mass destruction-related materials as a tangible contribution to the OSCE Best Practices Guide on implementation of the resolution.

Along with Singapore and the United States of America, Canada co-funded (through its Counter-Terrorism Capacity-Building Fund) and co-chaired an Association of Southeast Asian Nations (ASEAN) Regional Forum workshop on implementation of the resolution, which was held in San Francisco, United States of America, in February 2007. That workshop served to heighten awareness among ASEAN Regional Forum members of their responsibilities to implement the resolution and contributed to capacity-building through the sharing of experiences and best practices.

Canada, along with the European Union and Norway, also co-funded, again via its Counter-Terrorism Capacity-Building Fund, a workshop on implementation of the resolution in the Caribbean region organized by the United Nations Office for Disarmament Affairs, held in Kingston on 29 and 30 May 2007. The workshop was successful in raising awareness of the resolution's requirements among regional participants and in enhancing donor-recipient dialogue.

On 16 and 17 October 2007, Canada participated in a workshop on implementation of resolution 1540 (2004) in the Kyrgyz Republic held in Bishkek and organized by the Monterey Institute of International Studies Centre for Non-Proliferation Studies. Canada provided information on its comprehensive biological non-proliferation strategy for cooperative assistance in the Kyrgyz Republic being implemented under Canada's Global Partnership Program.

Canada is currently working with the Henry L. Stimson Centre, a Washington, D. C.-based think tank, and the Organization of American States (OAS), to organize a workshop which will be held in the Dominican Republic in early 2008 on implementation of the resolution in the Caribbean. This workshop, which will follow-up on the Canadian co-funded United Nations Office for Disarmament Affairs workshop held in Jamaica in May 2007, will focus on the development of specific and actionable 1540 resolution assistance requests, which address non-proliferation challenges and address the recipient States' broader socio-economic development priorities. Assistance requests developed during the workshop will be presented to the 1540 Committee for onward distribution to potential donors.

Enclosure

Technical rectification to the matrix provided by the Committee established pursuant to resolution 1540 (2004)

The following points serve to address omissions in Canada's matrix provided by the Committee established pursuant to resolution 1540 (2004). Canada wishes to suggest the following detailed changes to the matrix provided to the Committee and invites the Committee to make the updated matrix available to the public on the Committee's website.

Page 2, item 13: There is a reference to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation but none of the other United Nations anti-terrorism instruments to which Canada is a party are mentioned (e.g., the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings). Ten of these instruments are mentioned in the definition of "terrorist activity" in section 83.01 of Canada's Criminal Code. Canada is a party to all of the United Nations anti-terrorism instruments, and is of the opinion that these instruments should be mentioned in the next iteration of Canada's matrix.

Page 4, item 8: (use of biological weapons) There is a reference to a number of Criminal Code provisions: subsection 86(1), which is contained in the part entitled "Firearms and Other Weapons" and subsections 431.2(1) and (2) contained in the part entitled "Wilful and forbidden Acts (Property)". Section 431.2 criminalizes the conduct proscribed by the International Convention for the Suppression of Terrorist Bombings. Inasmuch as there is no reference to "Firearms and Other Weapons", Canada is of the view that the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix for the sake of consistency within item 8 as well as the remainder of the matrix where other Code references are not accompanied by a reference to the relevant part title.

Page 4, item 14: ("other") There is a reference to a "subsection 7(3.72)" without mentioning that this provision is in the Criminal Code. Canada suggests language indicating that this provision is found in the Criminal Code. The reference to "Wilful and forbidden Acts (Property)" should be deleted both for the sake of consistency (see page 4, item 8 above) and because it is incorrect. Subsection 7(3.72) is actually found in the "General Part" of the Criminal Code.

Page 6, item 8: (use of chemical weapons) As noted above with regard to page 4, item 8: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 6, item 14: ("other") As noted above regarding the deletion of the expression "Wilful and forbidden Acts (Property)" with regard to page 4, item 14 The words "Extraterritorial jurisdiction" accurately describe the content of subsection 7(3.72) of the Criminal Code but this raises the issue of consistency; either "Extraterritorial jurisdiction" should be added to the reference to subsection 7(3.72) of the Criminal Code in page 4, item 14 or it should be deleted here.

Page 7, item 8: (use of nuclear weapons) As noted above with regard to page 4, item 8 and page 6, item 8: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 8, item 14: ("other") As noted above regarding the deletion of the expression "Wilful and forbidden Acts (Property)" with regard to page 4, item 14 and page 6, item 14 above: the words "Wilful and forbidden Acts (Property)" should be deleted from the matrix.

Page 9, items 7, 8 and 9: (measures to secure production, use, storage, transport) There is a reference to a number of Criminal Code provisions: section 334 (theft), section 341 (fraudulent concealment), section 344 (robbery) and 346 (extortion). This list of offences is not exhaustive, for example, section 348(1) (break and enter and theft) could have been included. Canada requests the addition of "Inter alia" to be included in the matrix to reflect these additional Criminal Code provisions. This would also apply to page 11, items 6, 7, 8 and 9 as well as page 13, items 6, 7, 8 and 9.

Page 13, items 6, 7, 8 and 9: In addition to the previous comment, Canada suggests deleting reference to section 487 of the Criminal Code which is a provision that sets out the procedure to obtain and execute a search warrant.

Page 21, items 22 and 26: (Extraterritorial applicability) Subsection 7(3.72) of the Criminal Code does not grant extraterritorial application to matters of import or export control. This provision only grants Canadian courts extraterritorial jurisdiction over conduct proscribed by the International Convention for the Suppression of Terrorist Bombings (i.e., the offences set out in s.431.2). Canada suggests removal of this reference in the matrix.

Page 24, items 22 and 26: (Extraterritorial applicability) Subsection 7(3.72) of the Criminal Code does not grant extraterritorial application to matters of import or export control. This provision only grants Canadian courts extraterritorial jurisdiction over conduct proscribed by the International Convention for the Suppression of Terrorist Bombings (i.e., the offences set out in s.431.2). Canada suggests removal of this reference in the matrix.

United Nations S/AC.44/2007/15

Security Council

Distr.: General
30 July 2010
English
Original: French

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 8 July 2010 from the Permanent Representative of Togo to the United Nations addressed to the Chairman

With reference to your letter of 1 February 2010 (S/2010/52) addressed to the President of the Security Council concerning the implementation by Member States of Security Council resolution 1540 (2004), I have the honour to transmit to you the report of the Government of Togo on the matter:

"Togo has never manufactured nor imported weapons of mass destruction, has no such weapons and consequently never uses them.

Implementation of Security Council resolution 1540 (2004) in Togo has been effective thanks to the daily protective activity carried out by the Gendarmerie and the Police throughout the country. Strict measures have been taken to strengthen the fight against terrorism and groups promoting fundamentalist uprisings.

The special border services maintain constant monitoring in order to prevent the possible infiltration of any type of weapons of mass destruction or any related items.

A draft law on chemical weapons is being prepared and will be submitted to the National Assembly for adoption."

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Kodjo **Menan**
Ambassador
Permanent Representative

10-46906 (E) 040810 060810

Please recycle

United Nations S/AC.4

Security Council

Distr.: General
31 July 2010

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 16 January 2008 from the Chargé d'affaires a.i. of Honduras to the United Nations addressed to the Chair of the Committee

Regarding your letter dated 26 October 2007, in which you kindly requested Honduras to provide up-to-date information to facilitate the preparation of the report of the Security Council Committee on the full implementation of resolution 1540 (2004), please find attached the relevant information requested from the authorities of Honduras by your office.

I would kindly ask you to circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Marco A. **Suazo**
Deputy Permanent Representative
Chargé d'affaires a.i.

10-47152 (E) 120810

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Annex to the letter dated 16 January 2008 from the Chargé d'affaires a.i. of Honduras to the United Nations addressed to the Chair of the Committee

Additional information to the matrices: explanation of empty cells or "gaps" in the completed matrices

Honduras does not possess nor does it produce weapons of mass destruction. The State of Honduras does not produce nuclear, chemical or biological weapons or their means of delivery; it does not, therefore, provide any form of support to State or non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use such weapons or their means of delivery.

Gaps relating to international instruments

The State of Honduras, as party to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and other international instruments related to Security Council resolution 1540 (2004), reaffirms its commitment to the Committee to avoid the proliferation and to eliminate weapons of mass destruction, owing to the threat that they pose to global peace and security.

Gaps relating to the prohibition of biological, chemical and nuclear weapons and their means of delivery

In relation to the prohibition of biological, chemical and nuclear weapons and their means of delivery, Honduras does not have a specific law related to this matter because it does not produce or use this type of weapon. However, in order to comply with the different treaties, conventions and protocols signed and ratified by our Government, the Constitution, in its article 16, states that all treaties, conventions, protocols, etc., signed and ratified by the Government of Honduras becomes part of our domestic law. In addition, there are other laws related to such conventions, including:

(a) The law of use of firearms, equipment, ammunition explosives and other related materials;

(b) The law that prohibits the production, purchase, sale, import, export, transport, use and transfer of anti-personnel mines and anti-detector devices or related parts;

(c) The law against illicit trafficking of drugs, psychotropic drugs and other dangerous substances;

(d) The police law;

(e) The customs law;

(f) The law against organized crime.

In order to enforce the above-mentioned laws and to impose criminal and civil penalties, our legal system has penal, civil and commerce codes.

Gaps relating to control measures

Honduras does not produce or use chemical, biological or nuclear weapons. For that reason it does not have in place any measures or facilities for secure production, use, storage and transport to account for. In the event that non-State actors or other persons or groups want to use our territory to transport any of these weapons, the primary law such as the Constitution and all treaties, conventions, protocols signed and ratified, and the other laws mentioned above, provide the legal framework to cover all such issues, including the biological, chemical, nuclear-related materials that can be used to produce these kinds of weapons.

Gaps relating to border control, import/export control, shipment and trans-shipment

The Executive Incomes Directorate, the national agency in charge of collecting taxes, a decentralized body of the Ministry of Finance, is the entity responsible for the management of all customs inside the country and for import/export, shipment and trans-shipment control. Supported by the border police, the Directorate controls the entry and exit of all products at the border. It coordinates security issues related to import/export, shipment and trans-shipment by all the customs and borders. The Directorate also establishes liaison with the Government agencies, municipalities and customs services of other countries, mainly of Central America, in order to coordinate activities related in this field.

With regard to chemical, biological, nuclear and radioactive materials, the General Customs Administration is providing its personnel with expertise in detecting related materials. High-tech systems and equipment have been installed in the main port of Puerto Cortes so that biological, nuclear radioactive and chemical agents can be detected.

The General Customs Administration is in permanent contact with the customs services of other countries, and with international organizations, in order to obtain and provide any information and documentation that, on the basis of international cooperation, may help to detect, prevent and combat the illicit trafficking and brokering in nuclear, chemical and biological weapons and related materials, including their means of delivery.

Furthermore, the Office of the Attorney-General has the legal framework to investigate terrorism and arms stockpiling and trafficking in order to dismantle existing criminal organizations involved in arms trafficking and prevent the development of terrorist organizations by exercising the powers conferred on it in the law against organized crime.

Concerning the control list, namely the licensing, financial control and national licence authority of chemical, biological and nuclear weapons, including related materials, the Government is working to provide a legal framework to the national authority to the Organization for the Prohibition of Chemical Weapons in order to cover this gap in our legislation.

United Nations S/AC.44/2007/17

Security Council

Distr.: General
2 August 2010

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 21 January 2008 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the attached national report of the Republic of Hungary on the implementation of Security Council resolution 1540 (2004) (see annex).

10-47158 (E) 180810

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Annex to the note verbale dated 21 January 2010 from the Permanent Mission of Hungary to the United Nations addressed to the Chair

National report of the Republic of Hungary on the implementation of Security Council resolution 1540 (2004)

The unanimous adoption of Security Council resolution 1540 (2004) on 28 April 2004 was an historic event. This was the first Security Council resolution to address the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-State actors, poses to international peace and security. The mandate of the 1540 (2004) Committee was extended for another period of two years, until 27 April 2008, by Security Council resolution 1673 (2006).

The Republic of Hungary has already taken a range of legislative and executive measures that ensure compliance with Security Council resolution 1540 (2004), and it continuously reviews its policies, with a view to establishing what further action may be necessary. We are fully committed to the work of the 1540 (2004) Committee in ensuring global implementation of this resolution, including through providing assistance or advice to others, where appropriate.

The common European Union report, submitted separately, covers areas of European Union and European Community competences and activities in relation to Security Council resolution 1540 (2004) and should be read in conjunction with this document.

Legislative action: The Republic of Hungary has a wide range of legislative measures in place to prevent the proliferation and use of weapons of mass destruction, including by non-State actors. The centrepieces of this legislative framework are the following:

The Constitution, which stipulates that the Republic of Hungary renounces war as a means of solving disputes between nations and shall refrain from the use of force and the threat thereof against the independence or territorial integrity of other States. The legal system of Hungary accepts the generally recognized principles of international law, and harmonizes the country's domestic law with the obligations assumed under international law. The generally accepted principles of international law, such as the ones set out in Security Council resolution 1540 (2004), form an integral part of Hungarian law, without any further formal incorporation. In view of the above, related domestic law regulations are to be interpreted in order to ensure the effective implementation of these principles (Constitutional Court ruling No. 53/1993).

The acts and law-decrees incorporate the relevant international treaties into Hungarian law by promulgating them, hence making them accessible to the citizens and designating the competent authorities charged with their implementation. During the course of harmonizing domestic law with international obligations assumed by Hungary under international treaties on the non-proliferation of weapons of mass destruction the Hungarian Penal Code (Act IV of 1978) was amended accordingly. Under national procedures criminal law regulations are the

appropriate means for penalizing and thereby (inherently) prohibiting acts by non-State actors deemed socially harmful, or potentially dangerous to the community.

Executive and enforcement action: The Interministerial Committee on Non-Proliferation, set up by Government Decision No. 2016/1999, is responsible for actions in compliance with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the Committee discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. This body reviews and coordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments. The Committee oversees the implementation of Security Council resolution 1540 (2004). The Proliferation Security Initiative Committee is an expert level group co-chaired by the Ministry of Foreign Affairs and the Hungarian Trade Licensing Office. It coordinates the implementation of the Proliferation Security Initiative at the national level and the participation of the Republic of Hungary in international exercises organized within the framework of the Initiative.

The Hungarian National Trade Licensing Office (www.mkeh.gov.hu) which operates under the supervision of the Ministry of Economics is the national authority of the Chemical Weapons Convention. This Office is also the designated export-import licensing authority in Hungary, under the auspices of which two separate directorates issue licences respectively for the trading of conventional military equipment and technology and for dual-use goods, including transit and brokering activities (Government Decree No. 260/2006 on the Hungarian Trade Licensing Office; Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

The Hungarian Atomic Energy Authority (www.haea.gov.hu) assumes the regulatory duties in connection with the safety of the peaceful application of nuclear energy, particularly with the safety of nuclear materials and facilities under normal and accidental conditions and with nuclear emergencies (Act CXVI of 1996 on Atomic Energy; Government Decree No. 114 of 2003 on the scope of duty, authority and jurisdiction of imposing penalties of the Hungarian Atomic Energy Authority, and on the activities of the Atomic Energy Coordination Council).

The Customs and Finance Guard (www.vam.gov.hu) of the Republic of Hungary assumes responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action (Act XIX of 2004). The Hungarian Financial Supervisory Authority (www.pszaf.hu) tackles financial crime through ensuring reliable, continuous and transparent operation of financial markets (Act CXXXV of 2007). The Hungarian national security services play a key role in detecting and preventing the illicit trafficking of internationally controlled products and technologies (Act CXXV of 1995).

Encouraging compliance: To complement the enforcement effort, the Hungarian Trade Licensing Office and the Hungarian Customs Guards undertake compliance visits to Hungarian producers, exporters and academic institutes to ensure that they understand the relevant export controls and that they are operating within the licence terms and are aware of the risks of the transfer of results of research on nuclear, chemical, biological and dual-use technology (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

In the European Union: Hungary, in its capacity as member of the European Union, fully supports the European Security Strategy entitled "A Secure Europe in a Better World" (adopted on 12 December 2003 by the European Council). This strategy identifies a number of threats for the next decade, one of these major challenges being the proliferation of weapons of mass destruction. The document under the name "European Strategy against the proliferation of weapons of mass destruction", adopted by the European Council in 2003, provides a fully fledged road map for immediate and future action.

International instruments: The Republic of Hungary is a party to the relevant international treaties, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Hungary signed and ratified the Comprehensive Nuclear-Test-Ban Treaty and the International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on 13 April 2005 (not yet in force). Hungary has been a member State of the International Atomic Energy Agency (IAEA) since 1957 and has concluded an IAEA safeguards agreement and an additional protocol thereto. We have ratified the Convention on the Physical Protection of Nuclear Material and are considering the ratification of the modified Convention on the Physical Protection of Nuclear Material (foreseen for the spring of 2008).

Hungary is a participating state in the following export control regimes: the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, the Wassenaar Arrangement, and the Hague Code of Conduct. Hungary is due to take up the plenary chairmanship of the Hague Code of Conduct in 2008, and subsequently will assume the chair of the Nuclear Suppliers Group in 2009.

Hungary lent its full support to the aims of the Proliferation Security Initiative early on and has taken part in practical exercises organized within that framework. The Initiative aims to help prevent trafficking in weapons of mass destruction and related material by both State and non-State actors. The Initiative's statement of interdiction principles, agreed upon in Paris on 4 September 2003, makes it clear that all action will be consistent with national legislations and international legal frameworks. In 2007 Hungary joined the Global Initiative to Combat Nuclear Terrorism, launched by the United States of America and the Russian Federation.

Technical assistance to other states: The Republic of Hungary recognizes that some States may require assistance in implementing the provisions of Security Council resolution 1540 (2004) within their territories. In this connection we are willing to provide assistance as appropriate to States lacking the legal and regulatory infrastructure, implementation experience needed to fulfil the provisions of the resolution. The Republic of Hungary has participated in outreach programmes of the international export control regimes.

Between 2005 and 2007, within the framework of the Australia Group export control regime, Hungary, with Bulgaria, organized training and assistance seminars for five countries of the Western Balkans in the field of the capacity-building in regard to the legislative background and political functioning of their respective national export control systems.

Hungary is proud to have hosted a Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) onsite inspection advanced training course for experts from

States signatories, which was held in Szolnok and Táborfalva from 21 October to 2 November 2007.

Comments in relation to the specific issues contained in Security Council resolution 1540 (2004)

Paragraph 1: *Decides* that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

The Government of Hungary is fully committed to this principle and does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons prohibited by international treaties. The legal system of Hungary accepts the generally recognized principles of international law, without having to formally incorporate them into Hungarian law. The above listed acts are therefore penalized and (inherently) forbidden under Hungarian criminal law. Perpetrators of such acts, including abettors and accomplices are severely prosecuted.

Paragraph 2: *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Action taken: promulgating Law-Decree No. 12/1970 on the Treaty on the Non-Proliferation of Nuclear Weapons, Law-Decree No. 11/1975 on the Biological and Toxin Weapons Convention and Act CIV of 1997 on the Chemical Weapons Convention incorporated the cited international treaties into Hungarian law.

The commentary attached to the Hungarian Penal Code (Act IV of 1978) in Section 160/A explicitly mentions and briefly introduces Security Council resolution 1540 (2004) and gives an insight into the reasons behind the recent amendments undertaken in order to ensure compliance with the resolution.

Section 264/C of the above Code classifies as felonies, and hence penalizes and strictly forbids, the production, acquisition, possession, development and transportation of arms prohibited under international treaties by non-State actors. The first two paragraphs of Section 264/C, "Crimes with weapons prohibited by international conventions" reads as follows: (1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international conventions, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years. (2) Any person who constructs or operates a facility for the production of weapons prohibited by international convention without the authorization prescribed by law, or inconsistent with the provisions of the authorization, or converts an existing facility for the production of such weapons, or misleads the body or person vested with authority for the authorization of the operation of such facility as prescribed by law, shall be punishable as set forth in subsection (1).

The general provisions (sections 19 to 21) of the Penal Code stipulate that parties to a crime include the perpetrator and the co-actor (parties to a crime), the abettor and the accomplices (conspirators). The latter is defined as being a natural person intentionally granting assistance, including financial assistance or contributions, for the perpetration of a crime. The sentence applicable to parties to a crime is also applied to conspirators.

Section 261/A (breach of obligation under international law) sanctions violators of international economic, commercial, financial or trade sanctions.

Other relevant sections of the Penal Code penalizing and prohibiting the commission of acts related to weapons of mass destruction include Section 160/A on the (wartime) use of weapons prohibited by international convention; Section 261 on acts of terrorism; Section 264 on the misuse of radioactive substances; Section 264/A on the illegal operation of nuclear facilities; Section 264/B on crimes in connection with nuclear energy. The recently amended Section 263/B of the Penal Code penalizes all violation of rules and regulations pertaining to the trading of military equipments and services, dual-use products and technologies.

Combating the financing of the proliferation of weapons of mass destruction: Act CXXXV on the Hungarian Financial Supervisory Authority; Act No. CXXXVI of 2007 on the prevention and containment of money-laundering and terrorism related activities; Act No. CXXXVII of 2007 on the revision of existing legislation covering financial services, adopted for the purposes of European Union legal harmonization;

Paragraph 3: *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall: (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken: promulgating Law-Decree No. 12/1970 on the Treaty on the Non-Proliferation of Nuclear Weapons, Law-Decree No. 11/1975 on the Biological and Toxin Weapons Convention and Act CIV of 1997 on the Chemical Weapons Convention incorporated the cited international treaties into Hungarian law.

Act CXVI of 1996 on atomic energy declares as an underlying principle that the Republic of Hungary shall promote the peaceful and safe use of atomic energy through the means of international cooperation (section 3 of the Act). It sets out a comprehensive control regime with safeguards attached to it, and creates the relevant institutional framework. The Government Decree No. 114/2003 on the powers, duties, the sanctioning authority of the Hungarian Atomic Energy Authority and the functioning of the Atomic Energy Coordinating Council should be noted as well. At the national level, the Hungarian Atomic Energy Authority, in cooperation with technical support institutes, carries out verification of all nuclear-related material. Inspectors of IAEA have regularly carried out verifications of national records since 1999.

On 30 March 1972 the Agreement for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons was signed with IAEA (promulgated by Law-Decree No. 9/1972). In 1998 the Parties signed an additional protocol to the Agreement (promulgated by Act XC of 1999). The latter

document established a national record system and data control for long-term projects, research and development, as well as manufacturing and export-import activities related to nuclear fuel cycles, sites and other facilities. Hungary submits its declarations to IAEA under the additional protocol based on the national record system.

Since 1 May 2004 Hungary has been party to the Treaty Establishing the European Atomic Energy Community (Euratom), chapter 7 of which deals with nuclear safeguards. Those safeguards are implemented by the European Commission, which is mandated under the Treaty to verify that civil nuclear material is not diverted from its declared use. The agreement and the additional protocol thereto between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and IAEA in implementation of article III, (1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons was promulgated by Act LXXXII of 2006.

In the field of nuclear security pieces of relevant legislation include the Decree No. 7 of 2007 issued by the Ministry of Justice and Law Enforcement on the System of Accounting for and Control of Nuclear Materials; Decree No. 33 of 2004 issued by the Ministry of Interior on the central and local registry of radioactive substances; Government Decree No. 17 of 1996 on located and confiscated radioactive and nuclear substances which sets out coordinating procedures for authorities involved in detection, confiscation and verification of nuclear and radioactive materials illegally possessed or trafficked.

Act XXV of 2000 on chemical safety sets out the obligations pertaining to the registry of (accounting for), the secure storage of, the secure transport of, the secure packaging of the related dangerous substances and agents. The Hungarian Trade Licensing Office, in its capacity as the national authority on the Chemical Weapons Convention, registers, controls and licenses operations related to chemical agents, substances (Government Decree No. 212/1998 on the implementation and control of the declaration liability arising from the Chemical Weapons Convention).

Decree No. 61 of 1999 issued by the Ministry of Public Health on the protection of workers from the risks related to biological agents foresees inter alia the registry of these items, obligatory medical supervision and control, the introduction of appropriate protective measures for industry and laboratory venues/processes dealing with biological agents.

Relevant Penal Code provisions include Section 265, "Misuse of poison": Any person who — without proper authorization — prepares, possesses or distributes poison, or who fails to take the measures prescribed for the prevention of any illegal use of poisons or for the protection of others is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. Section 281/A (1) "Unlawful disposal of waste hazardous to the environment": Any person who — without the authorization prescribed by law or inconsistent with the provisions of the authorization — collects, stores, handles, disposes or transports any waste containing a substance capable of: (a) endangering human life, physical safety, health; (b) polluting water, air, soil or causing permanent changes therein; (c) endangering animals or plants; is guilty of a felony punishable by imprisonment for up to five years ...". Section 284 "Violation of epidemic and control regulations": (1) Any person who infringes the rules of quarantine, epidemiological

supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. (2) Any person who infringes at the time of an epidemic the rules ordered for isolation, epidemiological supervision or control, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine. (3) Any person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or pests which are harmful to vegetation, is guilty of a misdemeanour punishable by imprisonment for up to one year, community service work, or a fine.

European Union legislation includes Commission Regulation No. 302/2005 on the application of Euratom safeguards; Council Directive No. 1967/548 on the approximation of national provisions relating to dangerous substances; Council Directive No. 1998/24 on the protection of workers from the risks related to chemical agents; Council Directive No. 2000/54 on the protection of workers from the risks related to biological agents; Directive No. 1994/55 on the approximation of laws of the member states with regard to the transport of dangerous goods by road, Directive No. 1996/49 (by rail);

Examples of other international agreements incorporated into Hungarian law include the Cartagena Protocol on biosafety to the Convention on Biological Diversity (Act CIX of 2004); Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Government Decree No. 266/2004); the European agreements on the transport of dangerous goods by road, by rail, by inland waterways, not yet in force (Law Decree No. 19/1979, Decree No. 47/2005 issued by the Ministry of Economics and Transport and the latter agreement ratified by Parliament Decision No. 11/2004);

(b) Develop and maintain appropriate effective physical protection measures;

Action taken: Penalization and prohibition of acts related to physical protection include (relevant excerpts from Act IV of 1978 on the Penal Code): Section 264 "Misuse of radioactive substances": (1) Any person who — without a proper authorization — produces, acquires, possesses, distributes, processes or otherwise uses a radioactive substance or preparation that is dangerous to health or the environment, or transfers it to an unauthorized person is guilty of a felony punishable by imprisonment for up to five years. (2) Any person who produces, stores, transports or disposes radioactive substance by infringing any legal obligation shall be punishable according to Subsection (1). Section 264/A "Illegal operation of nuclear facilities": Any person who — without the authorization prescribed by law or inconsistent with the provisions of the authorization — operates a nuclear facility is guilty of a felony punishable by imprisonment for up to five years. (2) The person who commits the crime defined in Subsection (1) as a part of criminal conspiracy shall be punishable by imprisonment between two to eight years. Section 264/B, "Crimes in connection with nuclear energy": Any person who — in order to obtain the authorization prescribed by law for the use of nuclear energy — misleads the body or person vested with decision-making powers is guilty of a felony punishable by imprisonment for up to five years. (2) The person who fails to perform his obligation of notification in connection with the application of

nuclear energy as prescribed by law shall be punishable by imprisonment for up to three years.

Related national legislation include Government Decree No. 89/2005 on security requirements applicable to nuclear facilities and related official functions; Act LXXIV of 1999 on the organizational framework and supervision of catastrophe prevention and containment of the fallout from serious accidents involving dangerous substances; Government Decree No. 2/2001 on the containment of the fallout from accidents involving dangerous substances.

The Hungarian Academy of Sciences, in its capacity as supervisor of research institutes, introduced rules and regulations covering a wide range of activities related to the Biological and Toxin Weapons Convention. General biological safety rules are adopted and subsequently adapted in each and every case to the specific conditions and requirements of the respective institutions. Special measures have been put into place to ensure the physical protection of the research institutes to prevent unauthorized access to and removal of pathogenic or toxic material from laboratory sites. The transportation, storage and destruction of these items is also carefully monitored. Biological safety and security is ensured through the adoption of related rules of procedures and constant training of laboratory staff and personnel. Research institutes must work out appropriate contingency planning so as to be in the position to effectively deal with contingency situations.

National rules and regulations pertaining to the physical protection of microbial or other biological agents and toxins are based on norms set by the World Health Organization (WHO) and the United States Centers for Disease Control. Under Act No. XLVII of 1997 on the management and protection of health related data and relevant personal data, a reporting obligation is foreseen for cases of infectious diseases resulting from biological pathogens and toxins (Centers for Disease Control "Category A", bioterrorism agents/diseases like anthrax, plague). Government Decree No. 362 of 2006 sets out the duties and tasks of the National Public Health and Medical Officer Service (www.antsz.hu).

In 1999 a biological security programme was initiated by the Ministry of Defence in view of the fact that microbiological agents and threats from biological sources show some distinguishable and unique features in comparison to chemical or nuclear weapons of mass destruction. Conventional field detection ways and methods are not suitable for their detection and subsequent laboratory analysis. These considerations lead to the establishment of a rapid deployable biosafety level 3 army laboratory ready to deal with the detection and identification of bioterrorism agents. Its primary task is to provide safe conditions for sample handling, effective sample preparation and clean sample manipulation. In approximately two hours and fifteen minutes the laboratory becomes operational. To reach full state of readiness an additional four-hour preparation period is necessary. This laboratory played a key role in providing security from potential biological threats during the 2004 Olympic Games held in Athens.

The Hungarian Biotechnology Association was established by Hungary's leading human biotechnology companies with the aim of promoting the development and interests of the Hungarian biotechnology sector. The Association is strict in condemning any form of research and development, which could potentially contribute to the development or proliferation of biological and toxin weapons of mass destruction.

Obligations assumed under international treaties include: the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Act. No. 104 of 2004); Convention on Nuclear Safety done at Vienna on 20 September 1994 (Act I of 1997); Convention on the Physical Protection of Nuclear Material done at Vienna and New York on 3 March 1980 (Law Decree No. 8/1987). Planned action: Hungary is considering ratifying the amended Convention on the Physical Protection of Nuclear Material.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Act XIX of 2004 on the Hungarian Customs and Finance Guard, the European Community Customs Code and Act LXXII of 2004 on the implementation of the Community Customs Code in Hungary empower competent agencies and officers alike with executive powers necessary for the effective detection, interdiction and confiscation of prohibited items.

The Hungarian Trade Licensing Office carries out compliance visits to Hungarian manufacturers, exporters and academic institutes (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies). Government Decree No. 262 of 2006 mandates the Trade Licensing Office to impose administrative fines for the cases of non-compliance with established rules and regulations. Hungarian national security services play a key role in detecting and preventing the illicit trafficking of internationally controlled products and technologies (Act CXXV of 1995).

Section 263/B of the Penal Code penalizes the violation of rules and regulations pertaining to the trading of military equipments and services, dual-use products and technologies.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Legislation include Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies; Government Decree No. 263 of 2004 on the control of nuclear-related dual-use items; and Government Decree No. 60 of 2006 on the powers and duties of the Hungarian Trade Licensing Office.

The Hungarian Trade Licensing Office is the export-import licensing authority in Hungary, under the auspices of which two separate directorates issue licences for the trading of conventional military equipment and technology and for dual-use goods, including transit and brokering activities (Government Decree No. 260 of 2006 on the Hungarian Trade Licensing Office). The Export Control Department of the Hungarian Trade Licensing Office licenses the export and import of dual-use products (Government Decree No. 50 of 2004 on the licensing of foreign trade in dual-use goods and technologies).

The Hungarian Atomic Authority acts as an initial licensing body under Government Decree No. 263 of 2004 on the control of nuclear and nuclear-related dual-use items for the export, import and transit of nuclear material and nuclear dual-use items.

The European Union acquis applicable in Hungary includes European Council Regulation 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology (last amended by Council Regulation EC/394/2006); Community Customs Code (Council Regulation EEC/2913/92); and the European Union strategy against the proliferation of weapons of mass destruction adopted on 12 December 2003.

Section 263/B of the Penal Code penalizes the violation of rules and regulations relating to the trading of military equipments and services, dual-use products and technologies.

Paragraph 5: *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

Hungary is a State party to the Nuclear Non-Proliferation Treaty; the Chemical Weapons Convention; and the Biological and Toxin Weapons Convention.

Paragraph 6: *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Hungary is a strong supporter of effective multilateral export control regimes and is working to raise international standards. It is an active member of the Nuclear Supplier's Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Wassenaar Arrangement and the Hague Code of Conduct on Ballistic Missiles.

Paragraph 7: *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Hungary recognizes that some States may require assistance in implementing the provisions of the resolution within their territories. In that connection Hungary is ready to share its experiences of developing and maintaining effective controls over nuclear, biological, chemical material as well as dual-use goods and technologies.

Paragraph 8 of the resolution calls upon all States: (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

The implementation of relevant European Union common positions and joint actions promoting the universalization of and full compliance with the key multilateral non-proliferation instruments (including the Chemical Weapons

Convention, the Biological and Toxin Weapons Convention and the Nuclear Non-Proliferation Treaty).

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Action taken: Penalization and thereby (implicit) prohibition under Hungarian Penal Code (Act IV of 1978) of acts committed by non-state actors in violation of related international treaties. Law-Decree No. 12/1970 on Hungary's ratification and subsequent promulgation of the Treaty on the Non-Proliferation of Nuclear Weapons; Act CIV of 1997 on Hungary's ratification and subsequent promulgation of the Chemical Weapons Convention; Law-Decree No. 11/1975 on Hungary's ratification and subsequent promulgation of the Biological and Toxin Weapons Convention;

Act LXVI of 1996 on Nuclear Energy; Law-Decree No. 9/1972 on the conclusion of a safeguards agreement between Hungary and IAEA; Act XC/1999 on the conclusion of an Additional Protocol (signed in 1998) for the application of the safeguards agreement between Hungary and IAEA; Government Decree No. 50 of 2004 on Licensing of Foreign Trade in Dual-Use Goods and Technologies; Government Decree No. 263 of 2004 on the control of nuclear-related dual-use items;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Action taken: Hungary continues to provide full support for the aims and activities of IAEA, both as a State party and, until September 2005, as member of the Board of Governors. Hungary launched a support programme aimed at strengthening the IAEA's safeguards system. It continues to provide full support for the aims and activities of the Organization for the Prohibition of Chemical Weapons, both as a State party and in special periods when it is a member of the Executive Council (e.g. between 2001-03). Hungary is also fully committed to strengthening the BWC. Hungary actively participated in the development of a "follow-up process" to promote negotiations on the advancement of a verification process for this convention. Hungary is due to take up the plenary chairmanship of the Hague Code of Conduct in 2008, and subsequently will assume the chair of the Nuclear Suppliers' Group in 2009.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken: Establishment of close working relationship with industry, established through Government/industry committees, awareness-raising seminars and workshops. The Government of Hungary provides advice and assistance to industry and academia in meeting their obligations stemming from Hungary's international treaty obligations. Information is regularly disseminated through Government websites, publications and leaflets. Hungary participates in the implementation of the European Union strategy on weapons of mass destruction.

Paragraph 9: Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Hungary continues to promote dialogue and cooperation on non-proliferation in a range of forums so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons and their means of delivery.

Paragraph 10: Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken: Hungary maintains regular and direct contact with other States and their respective authorities and works together with them to achieve the aims set out in Security Council resolution 1540 (2004).

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Security Council

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2 August 2010

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 March 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Iceland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction and has the honour to refer to a letter dated 26 October 2007 (Ref.: S/AC.44/2007/ODA/OC.109), containing a request for up-to-date information on the measures taken, or intended to be taken, by the Government of Iceland to implement the above-mentioned Security Council resolution, in order to facilitate the preparation of a report regarding the implementation of that resolution.

The Permanent Mission of Iceland has the honour to transmit with this note the requested information in the form of the second report of Iceland regarding the implementation of resolution 1540 (see annex), as well as a matrix containing an overview of the Icelandic legislation in this regard.

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Please recycle

Annex to the note verbale dated 5 March 2008 from the Permanent Mission of Iceland to the United Nations addressed to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004)

Second report of Iceland pursuant to Security Council resolution 1540 (2004)

Iceland is firmly committed to full and effective implementation of Security Council resolution 1540 (2004) on combating the production, acquisition and use of weapons of mass destruction and their means of delivery, in particular by non-State actors.

The first national report, of 28 October 2004, submitted by Iceland pursuant to resolution 1540 (2004) outlined in detail how the resolution is implemented in Iceland. That information has now been supplemented in the enclosed matrix,[1] as requested by the Chair of the 1540 Committee. It includes references to relevant national legislation and related international instruments. It should be noted that all the laws and regulations can be accessed on the web, as described in the matrix.

The main changes since 2004 are the following.

International cooperation

Iceland participates or supports the following initiatives: the Proliferation Security Initiative; the Global Threat Reduction Initiative; the Global Initiative to Combat Nuclear Terrorism; and the Financial Action Task Force.

Treaties

Iceland has ratified or acceded to the following conventions/treaties: the Convention for the Suppression of Acts of Nuclear Terrorism (signed on 16 September 2005); the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (signed on 16 May 2005); the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (in force, 27 April 2006); the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (in force, 26 February 2006).

Laws

Act on measures against money-laundering and terrorist financing, No. 64/2006; Customs Act No. 88/2005. New legislation is in preparation on the enforcement of Security Council resolutions, terrorist financing and export controls.

[1] The matrix is available for consultation in the Security Council Subsidiary Organs Branch.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 3 June 2008 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Pakistan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to transmit herewith descriptive and tabulated accounts of the measures taken by the Government of Pakistan regarding the implementation of resolution 1540 (2004) (see annex).

10-47394 (E) 190810

Please recycle

Annex to the note verbale dated 3 June 2008 from the Permanent Mission of Pakistan to the United Nations addressed to the Chair of the Committee

Update on the implementation of Security Council resolution 1540 (2004) in Pakistan

In October 2004, Pakistan transmitted its national report on the legislative, regulatory and administrative framework that enables the Government of Pakistan to meet its commitments on the non-proliferation of weapons of mass destruction and their means of delivery (S/AC.44/2004/(02)/22). A comprehensive report in the form of a matrix was subsequently transmitted to the 1540 Committee in October 2005, detailing the legal, regulatory and administrative measures relevant to the implementation of the specific provisions of Security Council resolution 1540 (2004) (S/AC.44/2004/(02)/22/Add.1).

Since October 2005, the Government of Pakistan has taken a number of steps to further strengthen controls over goods, technologies, materials and equipment related to weapons of mass destruction and their means of delivery. An update on the measures adopted by the Government of Pakistan since October 2005 is given below:

(a) Adoption of national control lists: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, in October 2005, the Government of Pakistan notified national control lists of goods, technologies, materials and equipment related to nuclear and biological weapons and their delivery systems, which are subject to strict export controls. These controls also extend to controls of re-exports, brokering and other transfers, transit and trans-shipment.

The control lists adopted by Pakistan encompass the lists and scope of export controls maintained by the Nuclear Suppliers Group, the Australia Group, which relates to biological agents and toxins, and the Missile Technology Control Regime. The classification system is based on the European Union's integrated list.

The control lists also provide for controls of technology and intangible transfers.

These lists were notified by a Statutory Regulatory Order and are included in Export Policy Order, 2007 issued by the Ministry of Commerce. The notification of the control lists in the Export Policy Order makes them enforceable by Pakistan Customs and other relevant enforcement agencies.

There are no exceptions to licensing requirements. The control lists will be kept under review and will be updated periodically.

The notification of the control lists further highlights Pakistan's policy to implement its national and international non-proliferation commitments as a responsible nuclear weapon State.

(b) Establishment of the Strategic Export Control Division: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, an export control

authority, namely the Strategic Export Control Division has been established in the Ministry of Foreign Affairs.

The Strategic Export Control Division serves as an inter-agency mechanism for institutionalized implementation of export control policy, in line with legislative requirements and the formulation of rules and regulations on the export of controlled items. The Division has been designated as the licensing authority in respect of the goods, technologies, materials and equipment covered by the control lists and the implementation of the catch-all clause of the Export Control Act, 2004.

The Strategic Export Control Division will keep the control lists under constant review, in accordance with the requirements of the Export Control Act, 2004.

An oversight board to independently review the implementation of export controls has also been established.

(c) Nuclear Security Action Plan: In May 2006, the Government of Pakistan approved a Nuclear Security Action Plan which aims at (i) strengthening the safety and security of nuclear and radioactive materials and facilities containing such materials; (ii) prevention and detection of illicit trafficking in nuclear and other radioactive materials; and (iii) responding to incidents of illicit trafficking and nuclear and radioactive security emergencies. The Pakistan Nuclear Regulatory Authority is implementing the NSAP and is cooperating with the International Atomic Energy Agency (IAEA) on capacity-building in this regard.

The Pakistan Nuclear Regulatory Authority is using IAEA document INFCIRC/225, entitled "The Physical Protection of Nuclear Material and Nuclear Facilities" and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as guidance documents for the formulation of national regulations on nuclear security.

As part of the implementation of the Nuclear Security Action Plan, the Pakistan Nuclear Regulatory Authority is focusing on the following areas:

- Management of radioactive sources in categories 1, 2 and 3 and facilities containing such sources.
- Locating and securing orphan radioactive sources and the launch of a public information campaign in this regard.
- Provision of detection equipment at strategic points for the prevention and detection of illicit trafficking of radioactive and nuclear material and prompt response to radiological emergencies.
- Establishment of a National Nuclear Security Emergency Coordination Centre for coordination with such governmental agencies as Customs, border forces, local governments and Regional Directorates and Inspectorates of the Pakistan Nuclear Regulatory Authority in handling any nuclear security emergency at the national level. The Centre is being manned round the clock. Mobile monitoring laboratories, one at the Regional Directorate and one at the Regional Inspectorate, will also be established.
- Establishment of the Pakistan Nuclear Regulatory Authority Nuclear Safety and Security Training Centre.

(d) National Biological Weapons Convention implementation legislation: The existing laws and regulations provide the necessary legal basis to enable Pakistan to meet its obligations under the Biological Weapons Convention. However, with a view to strengthening and streamlining the national legislative and regulatory regime governing the use of biotechnology in Pakistan, a process for the drafting and adoption of new stand-alone national legislation was initiated in early 2006. Draft Biological Weapons Convention implementation legislation, prepared after an intricate interdepartmental process, is in advanced stages of enactment in accordance with national legislative procedures. The draft legislation provides for all the prohibitions and controls prescribed by the Biological Weapons Convention and Security Council resolution 1540 (2004) in relation to the designing, development, manufacturing, use, transport, import/export, sale, acquisition, and possession of biological weapons, including their means of delivery, along with appropriate penal provisions for violations.

(e) National Command Authority Ordinance, 2007: National Command Authority Ordinance, 2007 was promulgated to further strengthen and augment the national strategic regime. It provides enhanced legal coverage of security and safety measures on all matters concerning nuclear and space technologies, nuclear establishments, nuclear systems, nuclear materials, relevant personnel and related information, etc.

(f) Participation in the IAEA Illicit Trafficking Database: Since 2005, Pakistan has participated in the IAEA's Illicit Trafficking Database, which is a voluntary reporting mechanism for incidents of illicit trafficking and other related unauthorized activities involving nuclear and other radioactive materials. The Database is a key part of IAEA activities to strengthen nuclear security worldwide and prevent nuclear and radiological terrorism.

(g) Participation in the Global Initiative to Combat Nuclear Terrorism: In June 2007, Pakistan announced its participation in the Global Initiative to Combat Nuclear Terrorism by endorsing the Statement of Principles of the Initiative.

Pakistan's participation in the Global Initiative, which aims at enhancing cooperation among and the capacity of partner nations to combat the threat of nuclear terrorism, is a manifestation of Pakistan's commitment to work as a partner with the international community against nuclear proliferation and terrorism.

(h) Container Security Initiative (CSI): Pakistan is participating in the United States Container Security Initiative. Under the CSI, containerized cargo bound for the United States of America is targeted and pre-screened before leaving Port Qasim, Karachi. Pakistan's participation in the CSI is a demonstration of its commitment to the objectives of non-proliferation and international efforts against the threat of terrorism.

Matrix of steps taken by Pakistan regarding the implementation of Security Council resolution 1540 (2004)

Relevant 1540 provisions	*Steps taken by Pakistan*
OP 2 (Biological Weapons)	**National Biological Weapons Convention implementation legislation**: The existing laws and regulations provide the necessary legal basis to enable Pakistan to meet its obligations under the Biological Weapons Convention. However, with a view to strengthening and streamlining the national legislative and regulatory regime governing the use of biotechnology in Pakistan, a process for the drafting and adoption of new stand-alone national legislation was initiated in early 2006. Draft Biological Weapons Convention implementation legislation, prepared after an intricate interdepartmental process, is in advanced stages of enactment, in accordance with national legislative procedures. The draft legislation provides for all the prohibitions and controls prescribed by the Biological Weapons Convention and resolution 1540 (2004) in relation to the designing, development, manufacturing, use, transport, import/export, sale, acquisition and possession of biological weapons, including their means of delivery, along with appropriate penal provisions for violations.
OP 2 (Biological, Chemical and Nuclear Weapons) OP 3 (a) and (b) (Account for/secure/physically protect BW, CW, NW and related materials)	**National Command Authority Ordinance, 2007**: National Command Authority Ordinance, 2007 was promulgated to further strengthen and augment the national strategic regime. It provides enhanced legal coverage of security and safety measures on all matters concerning nuclear and space technologies, nuclear establishments, nuclear systems, nuclear materials, relevant personnel and related information, etc.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Nuclear Security Action Plan (NSAP)**: In May 2006, the Government of Pakistan approved a Nuclear Security Action Plan which aims at (i) strengthening the safety and security of nuclear and radioactive materials and facilities containing such materials; (ii) prevention and detection of illicit trafficking in nuclear and other radioactive materials; and (iii) responding to incidents of illicit trafficking and nuclear and radioactive security emergencies. The Pakistan Nuclear Regulatory Authority (PNRA) is implementing the NSAP and is cooperating with IAEA on capacity-building in this regard. The PNRA is using IAEA document INFCIRC/225 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities" and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as guidance documents for the formulation of national regulations on nuclear security.

Relevant 1540 provisions	*Steps taken by Pakistan*
	As part of the implementation of the NSAP, the PNRA is focusing on the following areas:
	• Management of radioactive sources in Categories 1, 2 and 3 and facilities containing such sources.
	• Locating and securing orphan radioactive sources and the launch of a public information campaign in this regard.
	• Provision of detection equipment at strategic points fo the prevention and detection of illicit trafficking of radioactive and nuclear material and prompt response radiological emergencies.
	• Establishment of a National Nuclear Security Emerge Coordination Centre (NuSECC) for coordination with such governmental agencies as Customs, border force local governments and PNRA Regional Directorates a Inspectorates in handling any nuclear security emergency at the national level. NuSECC is being manned round the clock. Mobile monitoring laborator one at the Regional Directorate and one at the Regiona Inspectorate will also be established.
	• Establishment of the PNRA Nuclear Safety and Secur Training Centre.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Participation in the IAEA Illicit Trafficking Database (ITDB)**: Since 2005, Pakistan has been participating in the IAEA's Illicit Trafficking Database (ITDB), which is a voluntary reporting mechanism for incidents of illicit trafficking and other related unauthorized activities involvi nuclear and other radioactive materials. The ITDB is a key contributor to IAEA's activities to help strengthen nuclear security worldwide and prevent nuclear and radiological terrorism.
OP 3 (a) and (b) (Account for/secure/physically protect NW and related materials) OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of NW including related materials)	**Participation in the Global Initiative to Combat Nuclear Terrorism**: In June 2007, Pakistan announced its participation in the Global Initiative to Combat Nuclear Terrorism by endorsing the Statement of Principles of the Initiative. Pakistan's participation in the Global Initiative, which aims enhancing cooperation among and the capacity of partner nations to combat the threat of nuclear terrorism, is a manifestation of Pakistan's commitment to work as a partn with the international community against nuclear proliferat and terrorism.

Relevant 1540 provisions	*Steps taken by Pakistan*
OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of BW, CW, NW including related materials)	**Container Security Initiative (CSI)**: Pakistan is participating in the United States Container Security Initiative. Under the CSI, containerized cargo bound United States of America is targeted and pre-screened leaving Port Qasim, Karachi. Pakistan's participation CSI is a demonstration of Pakistan's commitment to t objectives of non-proliferation and international effor against the threat of terrorism.
OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of BW, NW including related materials) OP 6, 7 and 8 (d) (Control Lists, Assistance, Information)	**Adoption of national control lists**: Pursuant to the E Control on Goods, Technologies, Material and Equipn related to Nuclear and Biological Weapons and their I Systems Act, 2004, in October 2005, the Government Pakistan notified national control lists of goods, techn materials and equipment related to nuclear and biolog weapons and their delivery systems, which are subject strict export controls. These controls also extend to co over re-exports, brokering and other transfers, transit trans-shipment. The control lists adopted by Pakistan encompass the i scope of export controls maintained by the Nuclear Su Group, the Australia Group, which relates to biologica and toxins, and the Missile Technology Control Regim classification system is based on the European Union's integrated list. The control lists also provide for controls of technolog intangible transfers. These lists were notified by a Statutory Regulatory Or are included in Export Policy Order, 2007 issued by th Ministry of Commerce. The notification of the control the Export Policy Order makes them enforceable by Pa Customs and other relevant enforcement agencies. There are no exceptions to licensing requirements. The control lists will be kept under review and will be upda periodically. The notification of the control lists further highlights Pakistan's policy to implement its national and internat non-proliferation commitments as a responsible nuclea weapon State.

Relevant 1540 provisions	*Steps taken by Pakistan*
OP 3 (c) and (d) and related matters from OP 6 and OP 10 (Controls of BW, NW including related materials) OP 6, 7 and 8 (d) (Control Lists, Assistance, Information)	**Establishment of Strategic Export Control Division (SECDIV)**: Pursuant to the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004, an export control authority, namely the Strategic Export Control Division (SECDIV) was established in the Ministry of Foreign Affairs. SECDIV serves as an inter-agency mechanism for institutionalized implementation of export control policy, in line with legislative requirements and the formulation of rules and regulations on the export of controlled items. SECDIV has been designated as the licensing authority in respect of the goods, technologies, materials and equipment covered by the control lists and the implementation of the catch-all clause of the Export Control Act, 2004. SECDIV will keep the control lists under constant review, in accordance with the requirements of the Export Control Act, 2004. An oversight board to independently review the implementation of export controls has also been established.

United Nations S/AC.44/2007/20

Security Council

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4 August 2010

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 6 February 2008 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter dated 17 October 2007, has the honour to transmit the updated information on the steps taken by the Government of the Republic of the Philippines to ensure the implementation of measures stipulated in Security Council resolution 1540 (2004), adopted on 28 April 2004.

The Permanent Mission of the Republic of the Philippines would also like to inform the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) that the Philippines does not give its consent to the public posting of information compiled in the matrix. Any information can only be furnished upon request and with the consent of the Philippines. Updates on the Philippine implementation of measures pursuant to Security Council resolution 1540 (2004):

1. The Government of the Republic of the Philippines received donated equipment to resolve incidents involving chemical, biological and radiological agents or weapons (otherwise known as weapons of mass destruction) from the Embassy of the United States of America in Manila on 20 February 2007. The donated equipment coming from the United States Department of State's Anti-Terrorism Assistance Program includes a rapid response trailer, chemical detection equipment, air compressors, decontamination clothing kits, evidence collection equipment, hazardous material safety gear and various types of medical and triage tools. The equipment is valued at 150,000.00 United States dollars.

2. Republic Act 9372, known as the Human Security Act of 2007, which took effect on 16 July 2007, would give the Philippine Government's all-out war against terror "legal teeth" as terrorism is now considered a crime. Although the law does not specifically mention biological, chemical or nuclear weapons, the effect of the use of said weapons is impliedly covered by the law.

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3. Republic Act 9194, amending Republic Act 9160, or the Anti-Money-Laundering Law, enacted on 7 March 2003, is an important tool in the war against terror as it prevents criminals and terrorists access to the international financial system.

4. There is no current legislative enactment addressed against weapons of mass destruction. As such, the existing revised Penal Code and special laws are still being used to prosecute and punish criminal offenders.

United Nations S/AC.44/2007/21

Security Council

Distr.: General
4 August 2010

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 1 February 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 17 October 2007, I have the honour to transmit herewith the additional information and clarifications requested by the Security Council Committee established pursuant to resolution 1540 (2004) (see annex).

Attached is updated information on the national report submitted to the Committee with our note verbale dated 1 November 2004 and the follow-up report dated 16 January 2006.

I would like to take this opportunity to assure you that Turkey stands ready to provide any further information that might be requested and looks forward to continuing its cooperative and transparent dialogue with the Committee.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

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Annex to the letter dated 1 February 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Chairman of the Committee

Second addendum to the national report of the Republic of Turkey on the implementation of Security Council resolution 1540 (2004)

The steps taken by the Government of Turkey in implementing the provisions of operative paragraphs 1, 2 and 3 of Security Council resolution 1540 (2004) were presented in the national report of Turkey dated 1 November 2004, submitted to the Security Council Committee established pursuant to resolution 1540 (2004). Turkey provided an update on its national report on 16 January 2006. This report and the enclosed matrix is a further addendum providing the latest changes and additions within the legal framework of the export control systems and activities related to disarmament and non-proliferation, concerning the implementation of resolutions 1540 (2004) and 1673 (2006).

Turkey continues to support global, overall disarmament and supports all efforts aimed at preserving international security through arms control, non-proliferation and disarmament. The proliferation of weapons of mass destruction and their means of delivery continues to be a matter of serious concern for Turkey, which does not possess any such weapons. Arms control, non-proliferation and disarmament are hence important elements of Turkey's national security policy. Turkey continues to provide its contributions to the efforts of the international community to prevent proliferation of weapons of mass destruction through bilateral, regional and international initiatives such as the Proliferation Security Initiative and others.

Turkey is party to all relevant international non-proliferation instruments and export control regimes and wishes to see the universalization and effective implementation of these instruments. Turkey is also party to 12 United Nations Conventions concerning terrorism and has signed the International Convention for the Suppression of Acts of Nuclear Terrorism. Additionally, Turkey has signed the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, as well as the Protocol of 2005 to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The ratification processes of the aforementioned Conventions and Protocols are presently under way. Additionally, Turkey has recently signed a declaration of intent to implement the 2005 World Customs Organization Framework of Standards to Secure and Facilitate Global Trade.

On 14 December 2006, the Turkish Grand National Assembly adopted Law No. 5564 on the prohibition of the development, production, stockpiling and use of chemical weapons. This law, which entered into force late in 2006, addresses the "prohibition" associated with operative paragraph 2 of resolution 1540 (2004).

In a similar vein, Law No. 5564 on the prohibition of the development, production, stockpiling and use of chemical weapons contains "enforcement" provisions, as envisaged in operative paragraphs 3 (a) and (b) of resolution 1540 (2004).

In addition, Anti-Smuggling Code No. 5607, dated 29 March 2007, and Act No. 3713 to Fight Terrorism, dated 12 April 1991, also contain provisions in compliance with operative paragraphs 2 and 3 of the resolution. Likewise, Convention No. 1766 on the Adoption of Biological and Toxin Weapons Convention addresses the "prohibition" associated with operative paragraph 2 of the resolution.

Turkish Atomic Energy Authority (TAEA) Act No. 2690, the TAEA Regulations on Accounting for and Control of Nuclear Materials and on the Regulation of Measures for the Physical Protection of Special Nuclear Materials, as well as other decrees and regulations related to this Act, address operative paragraphs 3 (a) and (b) of resolution 1540 (2004).

The Customs Laboratories of the Under-secretariat of Customs are available to provide technical support of border control measures, as per operative paragraph 3 (c) of the resolution. The Customs Laboratories function within the framework of cooperation between Turkish Customs Authority and the Ministry of Health. The laboratories and other facilities of the Ministry of Health may also be utilized when deemed necessary for this purpose.

Moreover, there are several other national legislations that address the resolution's operative paragraphs 3 (c) and (d), including Law No. 6968 on agricultural rehabilitation and agricultural quarantine, Road Transport Code No. 4925, Under-secretariat for Foreign Trade (UFT) communiqué 2007/21 on the items subject to import authorization by the Ministry of Agriculture and Rural Affairs and UFT communiqué 2007/20 on the items subject to import authorization by the Ministry of Health.

Other new measures for implementation of the resolution's operative paragraphs 2, 6 and 10 indicate that Turkey controls the means of delivery-related goods and technology through the Missile Control Technology Regime list and guidelines, and end-user controls are now standard procedure for the licensing process.

TAEA has lists for nuclear and nuclear-related dual-use goods and technology, as envisaged in operative paragraphs 6, 7 and 8 of resolution 1540 (2004). The web page run by the Istanbul Mineral and Metal Exporters' Association (IMMIB) provides information on the export control legislation to exporters on a regular basis.

We expect that these new updates and additions, reflected in the relevant sections of the attached matrix,[a] will enhance the scope and effectiveness of the measures taken by Turkey within the framework of Security Council resolutions 1540 (2004) and 1673 (2006).

[a] The matrix mentioned in the present report was transmitted to the Secretariat and may be consulted at the Security Council Subsidiary Organs Branch.

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6 August 2010
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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 16 January 2008 from the Permanent Representative of Switzerland to the United Nations addressed to the Chair of the Committee

I have the honour to refer to your letter dated 17 October 2007 and to transmit herewith additional information relating to the implementation by Switzerland of Security Council resolution 1540 (2004).

In reply to your request, I am also pleased to inform you that Switzerland does not object to the publication of this information on the Committee's website.

(*Signed*) Peter **Maurer**
Ambassador
Permanent Representative

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Annex to the letter dated 16 January 2008 from the Permanent Representative of Switzerland to the United Nations addressed to the Chair of the Committee

[Original: English]

Report of Switzerland to the Security Council Committee established pursuant to resolution 1540 (2004)

15 December 2007

1. Introductory remarks

Switzerland has the honour to respond to the letter S/AC.44/2007/ODA/OC.61 from the distinguished Chair of the Security Council Committee established pursuant to resolution 1540 (2004).

Switzerland would like to take this opportunity to solve any outstanding questions with regard to the implementation of resolution 1540 (2004) by Switzerland as reflected in the matrix. Switzerland is, of course, ready to clarify any possible misunderstandings and to provide information in even greater detail. At the same time, we note that the matrix provided by the 1540 (2004) Committee, which was established on the basis of the Swiss reports from 22 October 2004 (S/AC.44/2004/(02)/9) and 19 September 2005 (S/AC.44/2004/(02)/9/Add.1), states that no official Government information was provided regarding the columns "general statement on non-possession of weapons of mass destruction" and "general statement on commitment to disarmament and non-proliferation". However, these two commitments have been cornerstones of Swiss security policy for decades, and it is hard to see how a study of the Swiss non-proliferation record could not take into account the Swiss commitment to disarmament and non-proliferation.

Switzerland strongly affirms that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Switzerland also shares the concerns of the international community that easy availability of biological, chemical or nuclear materials may induce international terrorists to seek weapons of mass destruction (WMD) capabilities.

Switzerland is of the opinion that there is no substitute for the existing regime of multilateral treaties, and that multilateral efforts must continue to be the basis for work in the field of non-proliferation. Universal adherence, full implementation and, where necessary, a strengthening of the existing instruments, in particular in the field of verification and monitoring, are indispensable steps towards the elimination of all weapons of mass destruction.

The Swiss commitment to non-proliferation is set out in article 7 of the Federal Act on War Material of 13 December 1996 (War Material Act, SR 514.51). This article is fundamental to the understanding of Swiss non-proliferation legislation. It reads as follows:

Article 7 *Nuclear, biological and chemical weapons*

1. It is prohibited:

(a) to develop, produce, broker, acquire, transfer to anyone, import, export, carry in transit, or stockpile nuclear, biological or chemical weapons (NBC-weapons) or to possess them in any other way;

(b) to incite anyone to carry out an act mentioned in letter (a) above;

(c) to assist anyone in carrying out an act mentioned in letter (a) above.

This article is a key provision of Swiss non-proliferation legislation. It prohibits any action committed by any person who has any connection to the acquisition of WMD. In the Swiss understanding, this article notably also covers the following issues:

- prohibition of the delivery of WMD and related materials to non-State actors
- the aspects of financing of WMD acquisition, and
- the brokering of dual-use goods, if the case in point has a connection to WMD programmes.

2. General contribution of Switzerland to the fight against the proliferation of weapons of mass destruction and their means of delivery

2.1 International treaties and agreements

Switzerland is party to the following international treaties and conventions designed to combat the proliferation of nuclear, chemical and biological weapons:

- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925.
- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 27 January 1967.
- Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968.
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor in the Subsoil Thereof of 11 February 1971.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972.
- Agreement between Switzerland and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons of 6 September 1978.
- Convention on the Physical Protection of Nuclear Material of 26 October 1979.

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- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993.
- Comprehensive Nuclear-Test-Ban Treaty of 10 September 1998.
- Switzerland also subscribed to the Hague Code of Conduct against Ballistic Missile Proliferation in 2002.
- Switzerland is a member of the Proliferation Security Initiative.

2.2 General contribution to the fight against terrorism

Terrorism in all its forms and manifestations has consistently been condemned by Switzerland, regardless of the reasons invoked to justify it. Perpetrators of terrorist acts must be brought to justice. Addressing the root causes of terrorism is, however, also an essential element for the prevention of terrorism. Switzerland is committed to effective international conventions in order to combat terrorism. It has ratified all 16 United Nations conventions related to the fight against terrorism.

In 2003, Switzerland adopted amendments to the Criminal Code, the Code of Criminal Procedure and due diligence legislation, which made the financing of terrorism subject to criminal prosecution. This allowed Switzerland to fully implement the International Convention for the Suppression of the Financing of Terrorism as well as the International Convention for the Suppression of Terrorist Bombings.

Switzerland supports the work of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and is engaged in an ongoing dialogue with the Committee on the measures to be taken in the global fight against terrorism. To this end, Switzerland has, to date, submitted four reports pursuant to paragraph 6 of resolution 1373 (2001) (S/2001/1224, S/2002/868, S/2003/967 and S/2005/161). Switzerland also supports the work of the Al-Qaida and Taliban Sanctions Committee established pursuant to Security Council resolution 1267 (1999) and submitted its corresponding report in 2003 (S/AC.37/2003/(1455)/44).

3. Implementation of Security Council resolution 1540 (2004)

3.1 Operative paragraph 1

Support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

Switzerland does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Such support would be in violation of Swiss legislation, the international obligations undertaken by Switzerland, and the principles of Swiss foreign and security policy in general.

3.2 Operative paragraph 2

Appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or

biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

Under article 7 of the Swiss Federal Act on War Material, it is prohibited to develop, produce, broker, acquire, transfer to anyone, import, export, carry in transit, or stockpile nuclear, biological or chemical weapons or to possess them in any other way. According to article 34 of the Federal Act on War Material, violations of article 7 shall be punished with imprisonment of up to 10 years and fines of up to 5 million Swiss francs. It is also punishable to attempt to engage in any of the aforementioned activities or to participate in them.

Any assistance rendered to persons engaged in such activities is also prohibited. Article 7 is also applicable to offences committed abroad if they are in violation of rules of international law by which Switzerland is bound and if the offender is of Swiss nationality or domiciled in Switzerland.

Owing to its importance, article 34 of the Federal Act on War Material is set out below in full:

Article 34 *Offences against the prohibition of nuclear, biological and chemical weapons*

1. Any person who wilfully commits any of the following acts without being able to claim an exemption under article 7, paragraph 2, is liable to a term of penal servitude of up to 10 years or to a term of imprisonment:

(a) the development, manufacture, brokerage, acquisition, transfer to another, import, export, transit, stockpiling, or any other form of possession of nuclear, biological or chemical weapons;

(b) incitement to commit any of the acts listed under letter (a); or

(c) assisting in the commission of an act listed under letter (a).

2. A fine of up to 5 million francs may be combined with any custodial sentence.

3. If the act is committed through negligence, the penalty is imprisonment of up to 12 months or a fine of up to 500,000 francs.

4. An act committed abroad is an offence in terms of these provisions irrespective of the law of the place of commission if:

(a) it violates international law agreements to which Switzerland is a contracting party; and

(b) the offender is Swiss or is domiciled in Switzerland.

The International Convention for the Suppression of the Financing of Terrorism specifies that even attempted financing of terrorism within the meaning of the Convention shall be criminalized and that the financing of terrorism shall be prosecuted irrespective of whether the financial means were actually used for perpetrating one of the listed criminal acts.

Accordingly, article 260 quinquies of the Swiss Penal Code, which entered into force in 2003 provides for a penalty of up to five years of imprisonment for anyone who collects funds or makes them available with the intention of financing a violent criminal act aimed at intimidating a group of people or at forcing a State or international organization to carry out or refrain from carrying out any act.

In Switzerland, the preparation of a terrorist offence, membership or support of a terrorist organization and financing of acts of terrorism are, in all cases, punishable offences in themselves, even if no terrorist act has yet been committed or attempted. The acts of the persons involved are thus prosecuted whether they are planned or prepared on Swiss territory, on the territory of another State, or against foreign nationals.

3.3 Operative paragraph 3

Subparagraphs (a) and (b)

Appropriate effective measures to account for and secure nuclear, chemical or biological weapons, their means of delivery, and related materials in production, use, storage or transport and physical protection measures

Switzerland does not maintain any nuclear, chemical or biological weapons or their means of delivery. It ended its pilot chemical weapons programme at the end of World War II and destroyed all remaining agents. Switzerland has never undertaken nuclear or biological weapons production nor has it engaged in stockpiling their means of delivery.

Enterprises and institutions working with nuclear, chemical or biological material are subject to the reporting obligations and inspections provided for in the international instruments to which Switzerland is party.

Subparagraph (c)

Appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law

The purpose of the Swiss Federal Customs Act of 18 March 2005 (Customs Act; SR 631.0), as stated in its article 1, is the monitoring and control of persons and goods crossing the Swiss customs border. In Article 94, the customs authorities are tasked with the enforcement of all applicable international treaties and conventions to which Switzerland is a party, such as, for example, the Chemical Weapons Convention. In addition, the Swiss Federal Act on the Enforcement of International Sanctions (Sanctions Act; SR 946.231) allows the Swiss authorities to limit or prohibit trade with foreign States or entities in order to comply with sanctions decided upon by the United Nations, the Organization for Security and Cooperation in Europe or major trading partners of Switzerland.

Articles 114 and 115 of the Customs Act empower customs authorities to render assistance to other institutions, both foreign and domestic. Customs authorities are a part of the Swiss inter-ministerial export control group. Their risk analysis team receives regular online updates of risk profiles by the export control authorities, federal police and intelligence services.

Subparagraph (d)

Appropriate effective national export and trans-shipment controls over nuclear, chemical or biological weapons, their means of delivery, and related

materials, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Export: Switzerland has extensive legislation covering exports of dual-use items

The majority of the relevant provisions are included in the Federal Act on the Export, Import and Transit of Dual-use Goods and Specific Military Goods (Goods Control Act; SR 946.202). The corresponding Ordinance on the Export, Import and Transit of Dual-use Goods and Specific Military Goods (Goods Control Ordinance; SR 946.202.1) contains, in its annex 2, the complete control lists of the four legally non-binding international export control regimes. Moreover, the three schedules of chemicals controlled by the Chemical Weapons Convention are contained in annex 1 of the Ordinance on the Control of Dual-use Chemicals (Dual-use Chemicals Ordinance; SR.946.202.21).

The catch-all clause contained in article 4 of the Goods Control Ordinance is used extensively by the Swiss authorities. This clause states that planned export of goods that are not subject to licence requirements must be reported if the exporter knows or has been notified by the licensing authority that the goods are intended or could be intended for the development, production or use of nuclear, biological or chemical weapons or of related delivery systems.

The legislation requires exporters to apply for an export licence for certain sensitive goods listed in the annexes to the ordinances, in accordance with the control lists of the non-binding international export control regimes and the Chemical Weapons Convention. Exports are denied if they might be contributing to WMD or missile programmes or if they violate international agreements or sanctions. They are further denied if there is reason to believe that the export would support terrorist groups or organized crime.

Individuals or legal entities who apply for an export licence have to provide all information to the authorities and submit the necessary documentation for a comprehensive evaluation or control. The requested documentation includes company profiles, confirmation of orders, sales contracts or customer bills, exporters' end-use statements, import certificates of the country of destination and consignees' end-use statements. Trading companies will generally not receive deliveries unless they can provide a viable statement of end-use by an industrial company.

Switzerland uses all available sources to establish the legitimacy of a potential end-user. In particular, intelligence assessments and information from partners and other members of export control regimes are taken into account. In addition, the risk report and other open-source material is considered.

Switzerland also requires a statement of end-use from the exporter detailing the latter's knowledge of the end-user. In cases where fixed equipment is installed, the export control authorities may require the exporter to provide an installation report.

End-user statements are routinely required. If, based on all available information, it cannot be determined that the end-user conducts legitimate business, an export will be strongly called into question.

Pursuant to article 14 of the Goods Control Act, a prison sentence or a fine of up to 1 million francs shall be imposed on anyone who fails to comply with the legislation governing dual-use goods.

Transit: Controlled dual-use goods may not be transported through Swiss customs territory if the shipment is not proven to be in accordance with the relevant regulations of the country of origin. If there is reason to believe that the transit violates international control measures adhered to by Switzerland, the transit is prohibited.

End-use statements contain a clause prohibiting in general the re-export of goods to third countries without the consent of the Swiss export control authorities.

According to article 14 of the Goods Control Act, a prison sentence or a fine of up to 1 million francs shall be imposed on anyone who "has goods delivered or passed on to or brokered for a person other than the end purchaser or final destination stated in the licence".

3.4 Operative paragraph 6

Effective national control lists

As mentioned above, exports of weapons and dual-use goods are subject to Swiss export control legislation. Annex 2 of the Ordinance on the Export, Import and Transit of Dual-use Goods and Specific Military Goods (SR 946.202.1) contains the complete control lists of the export control regimes that deal with dual-use items: the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group and the Wassenaar Arrangement. Moreover, the three schedules of chemicals controlled by the Chemical Weapons Convention are contained in annex 1 to the Ordinance on the Control of Dual-use Chemicals (SR 946.202.21).

3.5 Operative paragraph 7

Assistance to States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

Switzerland is willing to assist other States through capacity-building in particular in areas where it has relevant experience. Switzerland is notably active in the framework of the Chemical Weapons Convention, where it provides, for example, a computerized tool for declaration purposes, as well as the respective training to other States parties. Switzerland is also active in offering nuclear, biological and chemical protection capacity-building.

3.6 Operative paragraph 8

Subparagraph (a)

Promote the universal adoption and full implementation, and, where necessary, the strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons

Switzerland maintains that multilateral treaties are the cornerstone of international non-proliferation efforts and has consistently called upon all States to adhere to them without reservations. Switzerland calls upon all nuclear weapons possessors to ratify the Comprehensive Nuclear-Test-Ban Treaty and was also a strong supporter of the negotiations on a verification system under the Biological Weapons Convention.

Subparagraph (b)

Adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties

With respect to the implementation of international treaties, Switzerland abides by the principle that treaty obligations should be entered into only if they can be complied with. After entry into force, a ratified treaty becomes directly applicable under national law, provided that its provisions are specific enough.

Subparagraph (c)

Renew and fulfil their commitment to multilateral cooperation, in particular within the framework of International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes

Switzerland has been a member of IAEA since 1957. In 1978, it concluded a safeguards agreement to the NPT with IAEA. Conclusion of an additional protocol to the safeguards agreement was reached in 2005. Switzerland ratified the Biological Weapons Convention and the Chemical Weapons Convention in 1973 and 1995 respectively. It supports the above-mentioned organizations and conventions through active participation, with the aim of strengthening them and enabling them to fully attain their goals. Switzerland also supports these conventions by paying its assessed contributions fully and on time and by providing regular training courses to employees of the Organization for the Prohibition of Chemical Weapons.

Subparagraph (d)

Develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws

All relevant laws and international agreements must be published. The complete texts are available on the Internet. The export control authorities are in close contact with industry associations. Relevant companies are routinely informed about changes in legislation that may affect their business. Targeted awareness-raising campaigns are directed towards selected companies. Awareness-raising is principally directed towards two groups of businesses: companies whose products may be attractive to proliferators, and companies that have been observed to be approached by potential proliferators.

3.7 Operative paragraph 9

Promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical and biological weapons, and their means of delivery

Information on proliferation is routinely shared, both domestically and internationally, among the competent authorities. At the domestic level, there is the so-called Export Control Group, a permanent body composed of all the agencies concerned with counter-proliferation, such as the export control authorities, the police, the intelligence service, customs and others. At the international level, Government agencies maintain close relations with their respective counterparts, information is also shared in the annual information exchange meetings of the four export control regimes.

3.8 Operative paragraph 10

Cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials

Within the framework of strengthened regional cooperation, Switzerland concluded treaties on the cooperation of police forces with all its neighbouring countries, in order to safeguard mutual security interests, further develop close cooperation among police and border police, and counter transboundary threats and international crime effectively. Switzerland works in close cooperation with INTERPOL and has acceded to the Schengen/Dublin agreements of the European Union, which will enter into force for Switzerland on 1 November 2008.

4. Legislation relevant to the implementation of Security Council resolution 1540 (2004) in Switzerland:

Export control legislation:

- Swiss Federal Act on War Material of 13 December 1996 (War Material Act; SR 514.51)
- Ordinance on War Material of 25 February 1998 (War Material Ordinance; SR 514.511)
- Swiss Federal Act on the Control of Goods Usable for Civilian and Military Purposes and Specific Military Goods of 13 December 1996 (Goods Control Act; SR 946.202)
- Ordinance on the Export, Import and Transit of Goods Usable for Civilian and Military Purposes as well as Specific Military Goods of 25 June 1997 (Goods Control Ordinance; SR 946.202.1)
- Ordinance on the Control of Chemicals Usable for Civilian and Military Purposes (Dual-use Chemicals Ordinance; SR 949.202.21)

Customs

- Swiss Federal Customs Act of 18 March 2005 (Customs Act; SR 631.0)

Sanctions

- Swiss Federal Act on the Enforcement of International Sanctions of 22 March 2002 (Sanctions Act; SR 946.231)

Financial regulations

- Swiss Federal Act on Combating Money Laundering in the Financial Sector of 10 October 1997 (Money Laundering Act; SR 955.0)

Prevention of major incidents

- Ordinance on the Protection against Major Incidents of 27 February 1991 (Major Incidents Ordinance; SR 814.012) This Act is applicable to accidents involving both chemical or biological materials

Nuclear materials

- Swiss Federal Act on Nuclear Energy of 21 March 2003 (Nuclear Energy Act; SR 732.1)
- Ordinance on Nuclear Energy of 10 December 2004 (Nuclear Energy Ordinance; SR 732.11)
- Ordinance on Nuclear Safeguards of 18 August 2004 (Safeguards Ordinance; SR 732.12)
- Ordinance on Security Guards in Nuclear Facilities of 9 June 2006 (Security Guards Ordinance; SR 732.143.2)
- Ordinance on Security Clearance for Staff of Nuclear Facilities of June 2006 (Security Clearance Ordinance; SR 732.143.3)
- Swiss Federal Act on Protection against Nuclear Radiation of 22 March 1991 (Radiation Protection Ordinance; SR 814.50)
- Ordinance on Protection against Nuclear Radiation of 22 June 1994 (Radiation Protection Act; SR 814.501)

Biological materials

- Swiss Federal Act on Protection against Dangerous Substances and Preparations of 15 December 2000 (Chemicals Act; SR 813.1). This Act is equally applicable to chemical substances and to micro-organisms.
- Swiss Federal Act on the Control of Communicable Human Diseases of 18 December 1970 (Epidemics Act; SR 818.101)
- Swiss Federal Act on Genetic Engineering of 21 March 2003 (Genetic Engineering Act; SR 818.91)
- Ordinance on the Release of Organisms into the Environment of 25 August 1999 (Environmental Release Ordinance; SR 814.911)
- Ordinance on the Contained Use of Organisms in Closed Systems (Containment Ordinance; SR 814.912)
- Ordinance on the Notification of Communicable Human Diseases of 13 January 1999 (Notification Ordinance; SR 818.141.1)

- Ordinance on the Release of Organisms into the Environment of 25 August 1999 (Environmental Release Ordinance; SR 814.911)
- Ordinance on the Protection of the Workforce from Risks related to Exposure to Microorganisms of 25 August 1999 (SR 832.321)
- Swiss Federal Act on the Control of Animal Epidemics of 21 November 1984 (Animal Epidemics Act; SR 916.40)
- Ordinance on the Control of Animal Epidemics of 27 June 1995 (Animal Epidemics Ordinance; SR 916.401)
- Swiss Federal Act on Agriculture of 29 April 1998 (Agriculture Act; SR 910.1)
- Ordinance on Plant Protection of 28 February 2001 (Plant Protection Ordinance; SR 916.20)

Chemical materials

- Swiss Federal Act on the Protection against Dangerous Substances and Preparations of 15 December 2000 (Chemicals Act; SR 813.1). This Act is equally applicable to chemical substances and to micro-organisms.
- Ordinance on the Protection against Dangerous Substances and Preparations of 18 May 2005 (Chemicals Ordinance; SR 813.11)
- Ordinance on the Reduction of Risks in Handling Certain Particularly Dangerous Substances Preparations, and Objects (Particularly Dangerous Goods Ordinance; SR 814.81)
- Ordinance on the Control of Chemicals Usable for Civilian and Military Purposes (Dual-use Chemicals Ordinance; SR 949.202.21)

Transport

- Ordinance on Street Transport of Dangerous Goods of 29 November 2002 (Transport Ordinance; SR 741.621)

5. Implementation of Security Council resolution 1540 (2004): update on the Swiss matrix

Please refer to the spreadsheet in the annex to the matrix which provides the updates since September 2005.[a]

[a] The matrix mentioned in the present report was transmitted to the Secretariat and may be consulted at the Security Council Subsidiary Organs Branch.